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ABSTRACT

The present state of American Indian child welfare was investigated via: a review of published and unpublished literature; an analysis of legislation, regulations, manuals, and other documents concerning Federal and state Indian child welfare; mail surveys in 22 states with substantial Indian populations; field interviews at 19 sites, including 12 reservation sites, 4 urban Indian communities, 1 terminated tribe, 1 in Oklahoma, and 1 in Alaska; case studies of programs of particular significance based on interviews and documents; and a mail survey focusing on graduate social work programs. The four major types of agencies responsible for providing child welfare services to Indians were the state-county social service systems, Federal service system, Indian-run agencies, and private non-Indian agencies. Of these, the state-county social service systems and the Federal service system were the most active. Barriers to the provision of Indian child welfare services included: failure of state courts and institutions to recognize tribal court orders; the licensing of institutions; interagency relationships; the reluctance of many states to take into account the special problems of providing services to Indians; the lack of Indian involvement; the distance between county welfare offices and Indian reservations; and failure to understand tribal cultures and to foster programs operated by tribal governments. (NQ)

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INDIAN CHILD WELFARE:
A STATE-OF-THE-FIELD STUDY

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Prepared by

Center for Social Research and Development
Denver Research Institute/University of Denver
2142 South High Street
Denver, Colorado 80208
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In addition, consultant panels of Indians who are active in the child welfare field met twice and provided the project with useful guidance. The knowledge gained in a previous project, "Legal and Jurisdictional Issues in the Delivery of SRS Child Welfare Services on Indian Reservations," also proved beneficial to project staff. Bryan Morgan, a lawyer who worked on the project, continued to provide guidance on legal and jurisdictional matters. Officials in the Office of Child Development, the Office of Native American Programs, the Bureau of Indian Affairs, the Indian Health Service, the Social and Rehabilitation Service, and other agencies were also helpful in providing project staff with useful documentary materials and background information.

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Tillie Walker
Director of Field Research

DeWitt John
Project Manager

Edward C. Baumheier
Director, Center for Social
Research and Development

PROJECT STAFF

CSRD Staff

Edward C. Baumheier
Joan Bell
Duane Bird Bear
Janet Derr
DeWitt John
Ann Kraetzer
Ellen Slaughter
Tillie Walker
Gale Whiteneck

Field Interviewers

Mary Jo Barlow
Evadne Gillette
Esther Kaloa Garber
Raymond Pooley
Norma Bearskin Stealer

Consultants

W. Roger Buffalohead
John H. Compton
Albert M. Pooley

Technical Editors

Lawrence Burton
Cynthia Mohr
Marilyn Nelson

CSRD Support Staff

Janet Beuthel
Melissa Breckenridge
Laura Burris
Joyce Compton
Rita Erickson
Kaye Sanders
Patricia Smeaton
Lorita Smith
Carole Taylor

Southwestern Indian Development, Inc.
(Subcontractor)

John Lewis, Director
Sydney Beane
Phyllis Bigpond
Eddie Brown
William Willard

INTRODUCTION--SCOPE OF THE RESEARCH

Between July 1975 and June 1976, the Center for Social Research and Development (CSRD), Denver Research Institute, University of Denver, conducted a "State-of-the-Field Study of Child Welfare Services for Indian Children and Their Families On and Off the Reservation." The research was supported by the National Center for Child Advocacy, Children's Bureau, Office of Child Development (DHEW), and by the Office of Native American Programs (DHEW).

A review of the literature on the subject of Indian child welfare was published in January 1976 as the first part of this report.* The present volume presents the findings of mail surveys, field investigations, case studies, and document reviews. The research included the following elements:

1. Analysis of legislation, regulations, manuals, and other documents concerning the policies and activities of federal and state agencies active in Indian child welfare

2. Mail surveys in twenty-two states with substantial Native American populations.** The surveys included divisions of child welfare within state departments of social services; state institutions serving delinquent, retarded, emotionally disturbed, and physically handicapped children; private agencies identified as possibly active in Indian child welfare; area offices of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS); a sample of tribes; intertribal and national

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*See Ellen L. Slaughter, Indian Child Welfare: A Review of the Literature (Denver: University of Denver, Center for Social Research and Development, 1976).

**Alaska Natives, including Eskimos, Aleuts, and Indians, were included within the scope of this report. The term "Native Americans" is sometimes used to include Alaska Natives as well as Indians, but it has the disadvantage of also being used at times to include Native Hawaiians and other groups which were not within the scope of this report. In this report, the term "Indian" and occasionally the term "Native American" are used to refer to American Indians and Alaska Natives.

Indian organizations; and a sample of boarding schools of the BIA

3. Field interviews at nineteen sites, including twelve reservation sites, four urban Indian communities, one terminated tribe, and one site each in Oklahoma and Alaska. While Oklahoma and Alaska have no federal reservations, Indians in these states nevertheless have a special relationship with the federal government which entitles them to certain special services. At each site, there was an effort to interview all agencies involved in Native American child welfare matters, including county welfare offices, agency social workers of the BIA, social workers or mental health workers of the IHS, tribal social service offices, tribal councils, tribal and state/county police, tribal and state/county juvenile courts, legal services, Indian centers in urban areas, urban schools serving large numbers of Native American children, day care centers and group homes serving Native Americans, and private agencies active in Indian child welfare

4. Case studies of programs of particular significance based on interviews and documents

5. A mail survey focusing on graduate social work programs. The mail survey included graduate schools of social work in all fifty states, Native American faculty at these schools, and Native American graduates of and students at these schools

Although the research was national in scope and gathered data from a number of states and Indian communities, it would not be correct to assume that the data are representative of all Native Americans or all Native American communities. The policymaker cannot ignore the wide diversity in the history, culture, social and political organization, and legal status of the 260 reservations and scores of off-reservation communities. The nineteen field research sites were selected to include a variety of communities of different sizes, locations, and legal statuses. (See the appendix for details of site selection.) The sites were not chosen randomly, nor do they constitute a representative sample. Thus, generalizations to states and communities not included in the study must be regarded with the greatest caution.

A complete description of the survey methodologies, including the numbers of interviews and questionnaires completed and a discussion of problems encountered in the research and their implications for interpretation of the research findings, is contained in an appendix to this volume. In general, the following statements can be made about the quality of the research findings:

1. A satisfactory response rate characterized the mail surveys of divisions of child welfare within state departments of social services, BIA and IHS area offices, and private child welfare agencies. The response rates were less satisfactory for state institutions, tribes, Indian organizations, and BIA boarding schools

2. Field interviews were completed with almost all agencies on the nineteen sites. We believe that contradictions and gaps in the interview data in most cases reflect incomplete information on the part of the interviewees. A major gap in the data was caused by the inability of many agencies to provide caseload statistics for their Native American clients

3. Household interviews were completed successfully at two sites. As the research design states, these interviews were primarily of an experimental nature and serve to complement the results of interviews with agency personnel

4. The mail survey of graduate schools of social work provides a relatively complete picture of programs relating to Native American child welfare at these schools. The response rates to the surveys of Native American faculty, students, and graduates were less satisfactory, and only preliminary conclusions can be drawn from these data

Chapter 1

THE LEGAL AND JURISDICTIONAL STATUS OF INDIAN TRIBES AND ITS APPLICATION TO CHILD WELFARE SERVICES*

An accurate perception of the legal and constitutional status of Indian tribes is fundamental to an understanding of Indian child welfare. Among racial and ethnic minorities in this country, Indians are unique in that the Constitution, numerous court decisions, and federal law clearly reserve to federally recognized Indian tribes important powers of self-government.

On many reservations, the authority of state governments and the jurisdiction of state law is strictly limited or nonexistent. In the case of many functions which are closely related to the delivery of child welfare services, including the making and enforcement of laws governing domestic relations, the suspension or severance of parental rights, licensing, and the raising of revenue through taxation, the authority of the state government is severely limited on many reservations.

The basic federal legislation covering child welfare programs (Titles IV-B and XX of the Social Security Act) does not make provision for the special status of tribal governments. This legislation, like much other federal legislation in the area of the human services, mandates federal-state programs; authority for administering these programs clearly lies with states and their local political instrumentalities, the counties. The failure to describe how states can provide services on reservations where tribal governments possess many of the key powers necessary for the smooth operation of these programs may be the result of legislative oversight; further research or litigation would be necessary to establish what role Congress intended federally recognized tribes to have in the administration of child welfare services under Titles IV-B and XX.

As will be reported later in this study, there is widespread feeling among many state officials as well as among tribal officials that tribes should have the option of becoming

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*This section draws heavily on Center for Social Research and Development, Legal and Jurisdictional Problems in the Delivery of Child Welfare Services on Indian Reservations (Denver: Author, 1975), pp. 5-13, 45-57.

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the primary providers of child welfare services under Titles IV-B and XX. If this were to involve a direct federal-tribal relationship, eliminating the role of the state in providing services on reservations, an amendment to the Social Security Act would be necessary.

Separate federal agencies, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS), have been established by law to provide a variety of services on federally recognized reservations and in certain nonreservation areas, including Oklahoma and Alaska. The BIA and, to a lesser extent, the IHS are involved in providing a variety of child welfare or related services.

Clearly, the legal and jurisdictional issues in the field of Indian child welfare have no parallel in the provision of child welfare services to other minority groups. Because these issues are complex and are often ignored or misunderstood, this report begins with an analysis of the legal status of Indian tribes and a discussion of the basis for separate BIA and IHS programs for Indians.

INDIAN TRIBES AS GOVERNMENTAL UNITS

Historical Background

Within the boundaries of federally recognized reservations, American Indian tribes retain many of the attributes of sovereignty available to states or political subdivisions of states.*

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*The technical term "Indian country" has long been used to define the geographical limits of tribal authority. Throughout this report, the more common term "Indian reservation" is used. The most commonly cited definition of "Indian country" is found in 18 U.S.C. 1151, especially subsections (a) and (c). Indian country is defined here as including: (1) all land within the exterior boundaries of a reservation; and (2) allotted land outside a reservation to which Indian titles have not been extinguished. Within an Indian reservation, all land is Indian country, whether owned by Indians or non-Indians. If the reservation was opened to settlement by non-Indians, non-Indian land is Indian country if congressional intent was not to diminish

These powers include the right to adopt a form of government of their own choosing; to define tribal membership; to regulate the domestic relations of members; to tax; and to control, by tribal laws enforced through the tribal courts, the conduct of tribal members, and, in some instances, the conduct of nonmembers while on reservations.

The origin of this unique legal status dates back to the arrival of European settlers in North America. The governing bodies of the various European settlements concluded formal treaties with the governing bodies of Indian tribes before the formation of the United States. The United States Constitution reserved the responsibility for dealing with Indian tribes solely to the federal government under the clause in Article I which regulates commerce with Indian tribes and under the clause in Article II which concerns treatymaking. Therefore, the federal government, not the separate states, is the ultimate arbiter of the legal status of Indian tribes through acts of Congress.

The United States Supreme Court, as the final authority for determining the legal meaning of the federal Constitution, defined the broad principles of federal, state, and tribal governmental authority in two landmark decisions--*Cherokee Nation* v. *Georgia* and *Worcester* v. *Georgia*--in the early years of the United States.

In *Cherokee Nation*, the Supreme Court considered the validity of Georgia state laws which incorporated Indian lands into existing state counties, prohibited the Cherokee Nation from engaging in political activities, and asserted control over who could pass into or through the tribal lands. The Court found it had no jurisdiction to pass on the major question, but it did define the legal and governmental status of the Cherokee Nation by calling it "a domestic dependent nation."[1] This dictum has retained significant force as a description of the self-governing status of Indian tribes.

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the reservation. Allotted land outside the reservation may fit within the definition of Indian country even if the allotted land is checkerboarded--that is, interspersed with land which is clearly not Indian country.

The definition of "Indian country" is quite complex. In some cases it may be necessary to examine treaties, federal legislation, legislative history, and court precedent in order to decide whether a specific parcel of land is Indian country or not.

In Worcester, the Supreme Court established the principle of federal plenary power over the regulation of Indian affairs. It held unconstitutional Georgia state laws regulating the residence of non-Indian persons on tribal lands, thus precluding the exercise of state power in this area. Chief Justice Marshall further delivered, in dictum, the classic formulation of the theory underlying the principle of Indian sovereignty:

> The Indian nations had always been considered as distinct, independent, political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed. . . . the settled doctrine of the law of nations is, that a weaker power does not surrender its independence--its right to self-government by associating with a stronger, and taking its protection.[2]
>
> The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress.[3]

Thus, from the earliest days, the Constitution and Supreme Court decisions contained clear indications of Congress' plenary power in dealing with Indian tribes and of tribal self-government and sovereignty. Congress continued to recognize attributes of tribal sovereignty by dealing with various tribes through treaties as it embarked upon a policy of removing them westward. In 1871, Congress ended the practice of making treaties. The question of whether an act of Congress can unilaterally abrogate a treaty has been much discussed and litigated, but it has not been definitively settled.

Federal Legislation Expressing Policy Toward Indians

Over the years, Congress has enacted legislation which vacillates between the goals of self-determination and assimilation of Indians. As one might expect, federal laws have not wiped the slate clean with each swing of congressional opinion; thus, remnants of laws are left which are at variance with policy directions subsequently taken. The practice of Congress in the early years of European settlement of the eastern portion of the United States was generally to remove Indian tribes further west, clearly expressing a policy of separation. Shortly after the treaty-making practice was ended in 1871, Congress began to enact legislation which embodied the goal of assimilation of Indian tribes into Anglo civilization.

The United States Supreme Court had ruled in 1883 in *Ex Parte Crow Dog* that a federal court had no jurisdiction to try a Sioux Indian for the alleged murder of a fellow Indian which occurred on reservation land. The congressional response to this decision was the Major Crimes Act of 1885, which gave federal courts criminal jurisdiction over certain offenses committed between Indians on reservation lands.

Shortly thereafter, Congress passed the most significant awsimilationist legislation of the last century, the General Allotment Act of 1887. This act was plainly designed to break up tribal institutions. It gave the federal executive branch the authority to divide reservation lands into parcels which would be allotted to individual tribal members. Eventually, Indian allottees were to gain full ownership of their allotments and at that time were to become citizens fully subject to the ordinary jurisdiction of the state. To a great extent, the assimilationist philosophy of this act was successful, at least in the alienation of tribal lands from their Indian owners. Approximately ninety million acres of land passed out of tribal control during the tenure of the Allotment Act. Further assimilationist aims were expressed by mandatory school attendance laws for Indian children in 1893, which provided that rations could be withheld from Indian families for lack of compliance. In 1924, Congress provided that Indian persons were citizens of the United States and of the states in which they resided.

The impact of assimilationist legislation and policies was far-reaching and, by many accounts, devastating in the cumulative effect it had on Indian tribal life and culture. Federal policy toward Indians took a sharp turn toward tribal sovereignty with the Wheeler-Howard (or Indian Reorganization) Act of 1934. The purposes of the bill were variously described as "to stabilize the tribal organization,"[4] "to allow the Indian people to take an active and responsible part in the solution of their own problems,"[5] and "[t]o grant to Indians living under Federal tutelage the freedom to organize for purposes of local self-government and economic enterprise."[6] The principle features of the bill ended the practice of allotment, restored land to tribal ownership, provided for tribal self-government under tribal constitutions, and were designed to reduce the need for BIA involvement in internal tribal affairs. For the next twenty years, these goals of strengthening tribal institutions held sway, but in 1953 and 1954, Congress reversed its direction and enacted the paradigms of the twentieth-century assimilationist philosophy, Public Law 280 and the termination acts.

The termination acts put an end to the special federal relationships for the Menominee, Klamath, and Paiute tribes, and certain tribes in Texas, and ended all federal services to these tribes. The overall effect of these acts of Congress was virtually to eliminate the tribal status of these Indian tribes.

In 1954, Public Law 83-280 (PL 280) permitted certain states to extend jurisdiction over criminal and civic matters on reservations. Under PL 280 states were given the opportunity to assume jurisdiction unilaterally without consultation with Indian tribes.

In several cases, PL 280 has added to the conflict and confusion concerning the respective powers of tribal and state governments. Jurisdictional issues are involved in many cases currently under litigation.

The legal situation in some states is very complex. Ten states--Arizona, Colorado, Louisiana, Michigan, Montana, North Dakota, Oregon, South Dakota, Utah, and Wyoming--exercise little or no criminal or civil jurisdiction over federally recognized Indian reservations. At the other entreme, there are seven states--Alaska, California, Florida, Iowa, Minnesota, Nebraska, and Wisconsin--which exercise criminal and civil jurisdiction under PL 280 over all or most Indian reservations within their borders. In six states--Idaho, Mississippi, Nevada, New Mexico, North Carolina, and Washington--the jurisdictional situation is even more complex. Table 1-1 summarizes the extent of jurisdiction exercised by each of the above states. Three states--New York, Oklahoma, and Kansas--exercise broad jurisdiction over Indian land on the basis of federal legislation other than PL 280. In addition, several states claim criminal and civil jurisdiction over state reservations on the basis of state establishment of reservations, treaties which were concluded between states and tribes before a federal government was formed, or other treaties or legislation. These states include Connecticut, Maine, Massachusetts, Texas, and Virginia.

TABLE 1-1

THE EXTENT OF STATE JURISDICTION OVER INDIAN RESERVATIONS

State	Extent of State Jurisdiction
Alaska	Full state jurisdiction, except that the Metlakatla community exercises concurrent jurisdiction over criminal matters
Arizona	Air and water pollution
California	Full
Colorado	None
Florida	Full
Idaho	Has asserted jurisdiction under PL 280 over the following subject areas only: juvenile delinquency, school attendance, dependent and neglected children, mental illness, domestic relations, public assistance, and motor vehicles. Other jurisdiction may be asserted with tribal consent
Iowa	Full state jurisdiction, but current litigation challenges federal granting of jurisdiction to the state
Louisiana	School attendance and land use
Michigan	No jurisdiction over federal reservations, full jurisdiction over one state reservation
Minnesota	Full state jurisdiction, except no state jurisdiction over the Red Lake Reservation
Mississippi	Exercise of jurisdiction on the Choctaw Reservation hinges on current federal litigation
Montana	Concurrent jurisdiction over criminal matters on the Flathead Reservation; no state jurisdiction over other reservations
Nebraska	Full state jurisdiction over the Santee and Winnebago reservations; no state jurisdiction over the Omaha Reservation
Nevada	Was empowered by PL 280 to assert full jurisdiction. It did assert jurisdiction with provision for counties to petition the state for continued federal jurisdiction; several counties did petition. Recent state legislation has provided for retrocession upon tribal request; several tribes have so requested
New Mexico	Has attempted to assert jurisdiction in certain matters and some litigation has resulted; under PL 280, New Mexico could assert jurisdiction after amending its constitution, which disclaims jurisdiction. An amendment was defeated in a popular election in 1969, and there have been no subsequent attempts to assert jurisdiction under PL 280
North Carolina	Concurrent state and federal jurisdiction
North Dakota	Legislation has been passed to assume jurisdiction under PL 280 provided that tribes or individuals consent; no tribe has consented
Oregon	No jurisdiction over the Warm Springs and Burns Paiute reservations; full jurisdiction over Umatilla Reservation and Celilo Village
South Dakota	None
Utah	Legislation has been passed to assume jurisdiction under PL 280 provided that tribes consent; none have consented; there is some question, however, concerning jurisdiction over the terminated mixed-blood Utes
Washington	Under PL 280, the state has asserted civil jurisdiction in the following matters: public assistance, school attendance, domestic relations, mental illness, juvenile delinquency, adoptions, dependent children, and traffic laws. State jurisdiction over criminal matters has been asserted for certain reservations and lands
Wisconsin	Full state jurisdiction, except no state jurisdiction over the Menominee Reservation, which is in the process of being restored to reservation status
Wyoming	None

SOURCE: National American Indian Court Judges Association, Justice and the American Indian, The Impact of Public Law 280 upon the Administration of Justice on Indian Reservations, Vol. 1 (Washington, D.C.: Author, 1975), especially pp. 84-103; U.S., Congress, Senate, Committee on Interior and Insular Affairs, Background Report on Public Law 280, 94th Cong., 1st Sess., (1975), especially appendix C; and private communications with the Native American Rights Fund, Boulder, Colorado.

The termination acts and PL 280 aroused strong opposition from Indians. In 1968, the Indian Civil Rights Act (PL 93-284) amended PL 83-280 and provided that henceforth no state could extend jurisdiction without tribal consent. Complete repeal of PL 280 is a major goal of the National Congress of American Indians and many tribes. Tribes are also working at the state level for retrocession. Nebraska has retroceded jurisdiction over the Omaha Reservation, and Nevada has retroceded jurisdiction over certain Indian lands upon tribal request. A bill to cede jurisdiction back to tribes is currently pending in Washington's state legislature.

Current Federal Policy Supporting Indian Self-Determination

The failure of the termination policy and the strong opposition to PL 280 has moved the federal government back to the policy of strengthening tribal governments. The formal declaration of this policy of "Indian self-determination" was embodied in a presidential message to Congress on 8 July 1970. The message said:

> Because termination is morally and legally unacceptable, because it produces bad practical results and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new concurrent resolution which would expressly renounce, repudiate and repeal the termination policy as expressed by the House Concurrent Resolution 108 of the 83rd Congress. This resolution would affirm the integrity and rights to continued existence of all Indian tribes and Alaskan Native governments, recognizing that cultural pluralism is a source of national strength. . . . [It would] affirm for the Executive Branch . . . that the historic relationship between the Federal Government and the Indian communities cannot be abridged without the consent of the Indians.[7]

Congress has not passed a resolution renouncing the termination policy, but it did reverse itself by restoring the tribal rights of the Menominee Tribe in the Menominee Restoration Act of 1975.

One of the most important aspects of the self-determination movement has been the rapidly increasing volume of public programs administered by tribal governments. Some Indian tribes have been able to finance services from their own income, primarily from royalties on tribally owned mineral rights. But most reservations lack a solid economic base,

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and most tribal governments have very limited sources of revenue. Therefore, most of the public services provided by tribes are supported by federal funds.

During the 1960s many federal agencies besides the BIA and IHS became involved in programs for Indians. During the presidential campaign of 1960 both John F. Kennedy and Richard M. Nixon committed themselves to Indian reservation development. After the election, several federal agencies turned their attention to Indian reservations. Federal grants and contracts at all levels of government increased dramatically during the 1960s, and Indian tribes were among those receiving greater volumes of federal aid.

Frequently, legislation authorizing federal or state grant programs is drafted in such a way that it is unclear whether Indian tribes are potential recipients. The failure specifically to include Indian tribes may represent legislative oversight. The question is often whether the legislature intended to subsume Indian tribes under such terms as "political subdivisions," "local agencies," or "units of local government."

The failure to include Indian tribes specifically results in confusion and delay when tribes ask whether they may receive government grants. In government agencies, a pattern sometimes develops over a period of years: separate administrative interpretations are made that tribes are qualified; then a central administrative interpretation follows; and eventually regulatory or statutory language is added to resolve the issue conclusively.

However, Indian tribes were specifically included as recipients of federal revenue-sharing funds. Tribes also receive funds from a wide variety of other federal sources, including the Economic Development Administration of the Department of Commerce, the Law Enforcement Assistance Administration, the Department of Agriculture, and others. When the War on Poverty programs were established under the Economic Opportunity Act, programs for Indians both on and off reservations were administered by a separate office. Indian Community Action Programs are now administered by a separate agency, the Office of Native American Programs, and Indian Head Start programs are administered by a separate Indian and Migrants Program Division within the Office of Child Development. Funds under the Comprehensive Employment Training Act (CETA) are made available to Indian tribes and off-reservation Indian organizations through a separate Indian division. The DHEW Office of Education includes a separate Office of Indian Education, which administers various special programs specifically mandated by Congress.

In 1975, Congress addressed the issue of contracting BIA and IHS programs to Indian tribes. The Indian Self-Determination Act of 1975 provides that, when a tribal government so requests, the BIA or IHS must contract with the federally recognized tribe to administer the BIA or IHS programs in question or must provide the tribe with capacity-building funds to enable it to enter into a contract at a later date. This legislation is being implemented slowly; however, it has the clear potential for a major impact on the self-government of Indian tribes.

Indian preference in hiring and promotions within the BIA and the IHS may also support the goal of self-determination by making these agencies more amenable to influence by tribes. Indian preference was written into the Indian Reorganization Act of 1934 but was not implemented. In 1974, the Supreme Court upheld the constitutionality of Indian preference in Morton v. Mancari Even after this decision, efforts by the BIA and the IHS to enforce Indian preference have been limited.

Recent Court Decisions Supporting Tribal Self-Government

Since the late 1950s, the Supreme Court has delivered a number of decisions which support governments of federally recognized tribes in their exercise of self-government, their assertion of jurisdiction, and their rejection of state involvement in the affairs of Indians on reservations.

One of the most important attributes of sovereignty is the power to tax personal income and real property. There has been frequent litigation among states, tribes, and the federal government on the subject of taxation. The first significant decision on this subject was The Kansas Indians, decided by the United States Supreme Court in 1867. This decision held that a state could not impose a land tax on reservation Indians, citing the exclusive jurisdiction of the federal government with respect to tribal Indian persons. Real property taxes by the states on tribal Indian lands are therefore forbidden and have not been of significant concern in subsequent litigation.

However, the states have attempted to tap various other income sources related to tribal Indian activities, and the Supreme Court has recently handed down three major decisions defining the limits of state and tribal powers.

Warren Trading Post v. Arizona Tax Commission involved the question of whether a state could impose an income tax on profits generated by the operation of a business within an Indian reservation. The Court held that federal authority preempted the field and that state law could not validly apply.

Two further clarifications of the respective sovereigns' powers in the tax field were issued by the Supreme Court in 1973 in Mescalero Apache Tribe v. Jones and McClanahan v. Arizona Tax Commission. The Court held in Mescalero that a state could impose a sales tax on a business activity operated by a tribe on off-reservation land. In McClanahan, the Court ruled that a state could not impose its income tax on an Indian person whose entire income was generated from reservation sources.

The reasoning of the Court in McClanahan is useful in attempting to define further the powers of the state and the Indian tribal governments, because this case is the most recent United States Supreme Court decision directly addressing the question of tribal and state powers. The Supreme Court characterizes the issue as the necessity "to reconcile the plenary power of the states over residents within their borders with the semiautonomous status of Indians living on tribal reservations." It notes that the tribal sovereignty doctrine has not remained static since the Worcester case:

> Finally, the trend has been away from the idea of inherent Indian sovereignty as a bar to state jurisdiction and toward reliance on federal preemption. The modern cases thus tend to avoid reliance on platonic notions of Indian sovereignty and to look instead to the applicable treaties and statutes which define the limits of state power. . . .
>
> The Indian sovereignty doctrine is relevant, then, not because it provides a definitive resolution of the issues in this suit, but because it provides a backdrop against which the applicable treaties and federal statutes must be read. It must always be remembered that the various Indian tribes were once independent and sovereign nations, and that their claim to sovereignty long predates that of our own Government. Indians today are American citizens. They have the right to vote, to use state courts, and they receive some state services. But it is nonetheless still true, as it was in the last century, that "[t]he relation of the United states . . . [is] an anomalous one and of a complex

> character. . . . They were, and always have been, regarded as having a semi-independent position when they preserved their tribal relations; not as States, not as nations, not as possessed of the full attributes of sovereignty, but as a separate people with the power of regulating their internal and social relations, and thus far not brought under the laws of the Union or of the State within whose limits they resided.[8]

This modern view of the tribal sovereignty doctrine, plus certain tests formulated by the Supreme Court, lead to general guidelines in assessing tribal and state authority.

The test most recently used was announced by the Supreme Court in *Williams* v. *Lee*. The issue in this case was whether a state court had jurisdiction over a civil debt claim brought by a trader for a balance due from an Indian customer. The Court characterized the test as "whether the state action infringed on the right of reservation Indians to make their own laws and to be ruled by them," if Congress has not specifically acted on the question involved. The ruling was that the tribal court had sole jurisdiction to hear the case.[9]

This test could be viewed as being vague, since one could argue that any state action affecting an Indian infringes on his right to be ruled by his own laws. It has further been considered a departure from previous case law in that it allowed some leeway for state action if Congress had not acted, thus reversing classical federal preemption doctrine, which requires that Congress give authority to the states before they can act.

However, the test has been applied in certain contexts suggesting that where tribal authority has been exercised, such as by passage of an ordinance or by creation of a tribal institution for dealing with specified issues, the tribal authority has preempted that of the state and must be controlling. For example, in *State ex rel Merrill v. Turtle*, a federal appeals court held that state officials could not extradite an Indian fugitive to another state if the tribe refused extradition. The Court noted that the tribe had a law permitting extradition, but not to the particular demanding state.

If this formulation gains broader judicial recognition, then it may become somewhat simpler to describe accurately the respective limits of tribal and state authority.

THE SOCIAL SECURITY ACT AND INDIAN TRIBES

Introduction

The Social Security Act provides for a variety of federal-state programs, and there are no provisions to describe how the self-governing powers of federally recognized Indian tribes are to be reconciled with the operation of programs by states and counties. It has often been argued that the exemption of Indian trust lands from state and local property taxes makes it difficult for states to provide the local share for the cost of Social Security programs on reservations. Several states have taken the position that their lack of jurisdiction over reservations makes it impossible for them to provide certain child welfare services on reservations. The Social Security Act and case law, however, require states to provide services to reservation Indians on an equal basis with their other citizens. Each of these points is discussed in the sections which follow.

The Taxation Argument

It is often argued that states and counties cannot afford to provide full services on Indian reservations because Indian lands and income earned by Indians on trust lands (the reservation) are exempt from state and local taxation. This argument cannot succeed on legal grounds, because there is a constitutional prohibition against tying welfare benefits or services to the contributions made by individuals to state taxes. There have been many attempts, however, to use this argument to persuade Congress to reimburse states for 100 percent of the costs of assistance and services under the Social Security Act. For example, between 1937 and 1975, over twenty bills were introduced in Congress on this point.

In 1950, one such effort was partially successful. The Navajo-Hopi Rehabilitation Act of 1950 provided that the federal government would reimburse Arizona, New Mexico, and Utah for 80 percent of their normal share of the costs of financial assistance programs (Aid to Families with Dependent Children [AFDC] and Aid to the Blind, Disabled, and Aged) on the Navajo and Hopi reservations. Thus, although the federal contribution for services to other persons is 75 percent, the federal share for assistance provided to residents on these reservations was 95 percent until this provision expired in 1975. The inclusion of this provision in the Navajo-Hopi Rehabilitation Act occurred as a result of Arizona and New Mexico's initial refusal to include reservation Indians in public assistance programs under the Social Security Act.

In states where county governments contribute part of the local share for Social Security Act programs, counties which include reservations may argue that their tax base is too limited to permit county funds to be spent on paying the local share for services to Indians. At least one state (North Dakota) recognizes this situation by making special provisions to limit the local share provided by counties which include a great deal of reservation land.

State Attempts to Limit Services on Reservations

Some states have clearly displayed a reluctance to provide social services on reservations of federally recognized tribes. In a recent application for a research and demonstration project (the Navajo Social Services Project), the Arizona Department of Economic Security stated flatly:

> Arizona, New Mexico, and Utah make public assistance payments to persons living on the [Navajo] reservation. There are, however, significant differences among the States in the provision of services and in the range of services provided. Arizona provides no services to reservation residents. . . .[10]

Several state administrators interviewed for an earlier CSRD study states that they felt that some limitations on state services to reservation Indians were both appropriate and unavoidable in light of the restricted state authority on reservations and the exemption of Indian lands and income from state and local taxes.[11]

The legal grounds for the reluctance of some states to extend child welfare services on reservations can be illustrated by rulings of the attorneys general of North Dakota and Arizona. A 1959 opinion of the Arizona attorney general stated that the state cannot license welfare institutions or agencies located on Indian reservations and does not have jurisdiction to license a tribal council or the Bureau of Indian Affairs in the event that they engage in child-placing activities. The lack of state jurisdiction for licensing child welfare agencies on reservations was reaffirmed in a 1970 opinion of the state attorney general, requested by the commissioner of the Arizona Department of Economic Security (DES). This ruling stated that "the state legislature has not enacted the necessary laws giving the State Welfare Department jurisdiction to license facilities on the reservation. No tribe has indicated they would give the necessary consent to jurisdiction if such laws were enacted."[12]

The 1970 opinion also deals with the authority of the state to include reservation children who are placed in foster homes off the reservation in the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program.

> Under existing law regarding jurisdiction, ADC-FH [now AFDC-FC] payment can only be authorized for reservation Indian children if (1) the reservation Indian child is in fact off the reservation when the act of neglect or abuse occurs, (2) the Superior Court of Arizona has personal jurisdiction and makes an adjudication to that effect, (3) the child is committed to the Department of Public Welfare for placement and services, and (4) the requirements of [Section] 408 of the Social Security Act are complied with.[13]

Finally, the opinion considers the question of tribal courts as courts of competent jurisdiction and the effecting of their orders by state agencies. The opinion states:

> The tribal courts would have the authority to adjudicate a reservation child "dependent, neglected or delinquent." . . . However, the jurisdiction of tribal courts cannot extend beyond the boundaries of the reservation, therefore, *tribal courts cannot place children in licensed facilities off the reservation* [emphasis added].[14]

It further states that:

> Tribal courts have no executive arm to commit an Indian child to the Department of Public Welfare. Likewise, the Department of Public Welfare has no statutory authority to accept reservation Indian children from the tribal court or from any other sovereign.
>
> In order for the State of Arizona to provide services in the area of child welfare for families and children of reservation Indians, the state legislature or the people must enact laws to provide for jurisdiction over child welfare matters on Indian

> reservations. Also, the various tribes must accept the state assumption of jurisdiction. Otherwise, the exercise of state jurisdiction in child welfare matters discussed herein would undermine the authority of the tribes over reservation affairs and infringe on the right of the Indians to govern themselves.[15]

In practice there seem to be some circumstances in which the state can serve the Indian children, because the Arizona DES has a contract with the BIA under which DES places Indian children in foster homes off the reservation and is reimbursed for services and payments to these foster families by the BIA.

The North Dakota attorney general has issued similar rulings to those in Arizona. North Dakota has a provision in its constitution disclaiming any state rights to lands owned and held by Indians or Indian tribes, as does Arizona. Before the passage of PL 280, the state supreme court had interpreted this disclaimer as applying to claims involving land title only, thus giving state courts jurisdiction over civil disputes between Indians on reservation lands. In 1963 North Dakota took the steps necessary to extend its civil jurisdiction over Indian country under PL 280 but added the requirement of tribal or individual Indian consent.

An extremely important case in defining the limits of state authority is In re Whiteshield, decided by the North Dakota Supreme Court in 1963. State authorities brought a petition to state court against Indian parents in order to terminate parental rights to Indian children for acts occurring on the reservation. The court held that, since the Indian persons involved had not consented to the assumption of state jurisdiction, the state courts could not adjudicate the issue.

In late 1970, when the Devils Lake Sioux Tribe challenged the state foster care program on the Fort Totten Reservation, the Social Services Board of North Dakota requested the state attorney general's opinion on its authority to provide protective services on Indian reservations. The attorney general concluded that the Social Services Board could not enforce licensing functions regarding foster care homes for Indian children on reservations and could not contract with another agency to license foster homes for Indian children on Indian reservations. The state attorney general also ruled that the State Youth Authority could not enforce rules of conduct for an Indian child if it placed him on an Indian reservation, could not change a placement from the reservation, and could not remove a child from the reservation.

Several Indian respondents to an earlier CSRD survey[16] objected that the result of these and other similar rulings has been the discriminatory withdrawal of state services for reservation Indians. However, other Indians have expressed the view that the withdrawal of state services is, on balance, no misfortune since state and county workers were making excessive placements of Indian children off the reservation. It is perhaps noteworthy that no Indian tribe or individual in any state has taken legal action to force a state to provide child welfare services, and apparently no tribes have formally complained to SRS.

Can States Refuse to Serve Reservations?

A state's failure to provide the same services to residents of Indian reservations as it provides to other persons in the state raises the question of whether such state action conflicts with federal statutes or is unconstitutional. To answer this question, the following discussion considers the "statewideness" provisions of Title IV and XX, general equal protection principles, and specific case law concerning the eligibility of reservation Indian persons for Social Security programs.

The "statewideness" requirement for Title IV-A financial assistance and AFDC-FC programs provides that "a state plan . . . must . . . be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them." The regulations further provide that the statewide operation of the state plan shall be accomplished through a "system of local offices."[17] The apparent purpose of these regulations is that each state's Title IV-A program be administered uniformly, so that the same level of assistance is available throughout the state.

In contrast, the Title IV-B statewideness requirement permits internal geographic variations within each state in the provision of services. The specific statutory language authorizes financial assistance to each state in order to make:

> a satisfactory showing that the state is extending the provision of child-welfare services in the State, with the priority being given to communities with the greatest need for such services after giving consideration to their relative financial need, and with a view to making available by July 1, 1975, in all political subdivisions of the State, for all children in need thereof, child-welfare services.[18]

This differs in two significant ways from the Title IV-A statewideness requirement. First, until 1 July 1975, the participating states were not required under Title IV-B to have child welfare programs with statewide scope, merely to show satisfactorily that they were extending these programs in this direction. Second, a state may give priority to communities with the greatest need for these services "after giving consideration to their relative financial need."[19]

The statewideness requirement in Title XX is much less strict. Title XX requires that family planning services be provided statewide and that at least one social service be provided in each part of the state for each of the five goals of the title. States are free to divide themselves into districts and to provide different types or combinations of services in different districts. (Since Title XX is quite new, it is not yet clear whether these provisions will be challenged, perhaps on equal protection grounds, or whether they would survive such a challenge.) Under Title XX, states are allowed to design their plans so as to place Indian reservations in separate districts and to provide only minimal services in these areas. However, this type of plan would require limiting services to non-Indian as well as Indian residents of reservations.

Under traditional equal protection principles, a state has the right to make classifications as long as those classifications meet what is called "the [illegible]sonable basis test." This test applies when classifications are in the area of economic activities and social welfare. As the U.S. Supreme Court stated in the case of Dandridge v. Williams:

> In the area of economics and social welfare, a state does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some "reasonable basis," it does not offend the Constitution simply because the classification "is not made with mathematical nicety or because in practice it results in some inequality."[20]

However, when the classification in question is based on nationality or race, it is called an "inherently suspect" classification, and it is more difficult to justify. The test applied is the "strict scrutiny" test; the only way a state can pass it is to show that the classification is necessary to the accomplishment of a compelling state interest.

Thus, in the area of economics and social welfare, a state has "considerable latitude in allocating . . . AFDC resources, since each state is free to set its own standards of need and to determine the level of benefits by the amount of funds it devotes to the program."[21] However, when a state's classification creates more than one class of needy persons, and the classes are sharply divided racially, the classification is "inherently suspect." This standard would apply whether or not the classification specifically mentioned "Indians" as a class. If the state were to provide services to non-Indian residents of reservations but not to Indians, this practice would be even more suspect. The question then would be whether the state's arguments, such as "Indians do not pay state taxes" or "We cannot license foster homes on reservations" represent a "compelling state interest."

In addition, a classification such as that outlined above would very likely violate Section 601 of Title VI of the Civil Rights Act of 1964, which reads:

> No person in the United States shall on the ground of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.[22]

The question of whether Indians are entitled to Social Security welfare benefits equally with other citizens of a state has been addressed in several legal opinions, statutes, and cases. Although on two separate occasions state welfare institutions attempted through litigation to avoid responsibility for making such payments, in each instance they were unsuccessful. The weight of legal authority is on the side of the equal entitlement of Indians to benefits; and no statutory or case law appears to the contrary.

The issue first appeared in litigation in 1938 in State ex rel Williams v. Kemp. The question was whether the state of Montana or the counties in the state were responsible for the payment of welfare benefits to reservation Indians. The Supreme Court of Montana was requested to interpret a state statute which required that the state general fund reimburse the counties for social security assistance to reservation Indians. In the process of rendering its opinion that the state general fund was responsible, the court discussed Indians' entitlement to Social Security benefits as citizens:

> The broad language of the federal Social Security Act on its face made the grants to the states contingent upon the fact that no citizenship requirement should exclude any citizen of the United States from relief benefits. Indians are citizens of the United States.
>
> The Montana Legislature, confronted with the question of choosing to accept or reject federal grants, chose to accept them. To do this, it was obliged to meet the conditions imposed.[23]

State ex rel Williams v. Kemp is often cited to support the proposition that Indian persons are entitled to Social Security benefits.

The issue was raised again sixteen years later. In 1954, at the height of termination philosophy, Arizona and San Diego County in California became actively involved in attempts to limit state and county liability for Indian welfare payments. Arizona excluded reservation Indian residents from its state plan by an enactment of the state legislature, which stated that "no assistance shall be payable under such plan to any person of Indian blood while living on a federal Indian reservation."[24] Arizona then submitted a plan under Title XIV of the federal Social Security Act for aid to the permanently and totally disabled, which excluded Indians. DHEW's predecessor, the Federal Security Agency (FSA), refused to approve the plan on the grounds that the plan was racially discriminatory and that it imposed as a condition of eligibility a residence requirement prohibited by the Social Security Act.

Arizona thereupon brought suit declaring that its plan did meet FSA requirements and sought to compel the administrator to approve it. In Arizona v. Hewing the court rejected the theory that the state program was racially discriminatory, but it found that the exclusion of Indians by Arizona was arbitrary, despite Arizona's argument that the federal government had the ability to support Indians directly, presumably through the BIA. Arizona appealed this ruling to the circuit court but its suit was dismissed on jurisdictional grounds in Arizona v. Hobby. Arizona v. Hobby is sometimes cited as legal authority that a state may not discriminate against Indians in the delivery of Social Security benefits, but it is not a valid precedent since the case was dismissed entirely on jurisdictional rather than substantive grounds. On the other hand, Arizona v. Hobby does represent an important historical episode and is the farthest any state has attempted to take the legal argument.

Acosta v. San Diego County is the only other directly relevant case. San Diego County attempted to deny welfare benefits to reservation Indians on the grounds that they were not residents of the county for the purpose of obtaining direct county relief. On appeal the court found that reservation Indians were entitled to relief on the basis of the Fourteenth Amendment's guarantee of the right to equal protection. The opinion reads in part:

> The argument that responsibility for reservation Indians rests exclusively on the federal government has been rejected. . . . That reservation Indians are entitled to direct relief from either the state or county in which they reside was conceded in State ex rel Williams v. Kemp. . . . The only issue there was which political body should bear the expense.
>
> From the conclusion reached that Indians living on reservations in California are citizens and residents of this state, it must therefore follow that under Section 1, Amendment XIV of the Constitution of the United States they are endowed with the rights, privileges and immunities equal to those enjoyed by all other citizens and residents of the state.[25]

The issue of equal entitlement of Indian persons to Social Security benefits has never been directly addressed by the U.S. Supreme Court. Nevertheless, the court in the recent case of Ruiz v. Morton, which had nothing to do with DHEW law but rather with BIA responsibilities, stated in dictum its view that:

> Any Indian, whether living on a reservation or elsewhere, may be eligible for benefits under the various social security programs in which this state participates and no limitation may be placed on social security benefits because of an Indian claimant's residence on a reservation.[26]

BIA RESPONSIBILITIES FOR SOCIAL SERVICES

Another complicating factor is the involvement of the Bureau of Indian Affairs in child welfare services. Although states are obligated to provide Title IV-B and Title XX services on reservations, there is a widespread misconception that the BIA has the primary responsibility for providing services on reservations--or perhaps for all Indians.

The BIA does operate social service and financial assistance programs on reservations of federally recognized tribes and in some circumstances off the reservations. However, BIA policy is that its services are residual. As stated in the BIA *Indian Affairs Manual*:

> A program of social services and assistance for Indian children shall be provided, as required, by the Bureau of Indian Affairs within the limits of available resources, only after determination of what part, if any, of the necessary services or assistance is available through other resources.[27]

Similarly, justification for the BIA FY 1976 budget stated:

> The program undertakes to provide the necessary assistance and social services for Indians on reservations and in the jurisdictions referred to above [Alaska and Oklahoma] only when such assistance and services are not available through State or local public welfare agencies.[28]

These statements raise the question of how BIA officials are to determine what needed services are not "available" through state or local offices. In the justification for the FY 1964 budget, the BIA provided the following clarification:

> In certain states, the courts have asserted lack of civil jurisdiction on reservations, and this has hindered seriously the ability of state agencies to provide protective services for Indian children which are based upon state court actions. The Bureau, therefore, must find ways and means of filling the gap.[29]

Further guidance as to BIA policies on this point is provided by testimony before the Subcommittee on the Department of the Interior and Related Agencies of the House Committee on Appropriations in 1969 and 1973. (The point has not been raised in other appropriations hearings during recent years.) In 1969, Rep. Julia Hansen was involved in the following exchange with William R. Carmack, Assistant Commissioner of Community Services:

> MR. CARMACK: If the states don't extend welfare to Indian communities, we extend it.
>
> MRS. HANSEN: Place in the record the States that extend welfare assistance to Indians. How many are there?
>
> MR. CARMACK: There are about 13 where we extend welfare assistance. There are a few States who provide assistance to Indians and we can list them. But in no case would we be duplicating a State service.
>
> MRS. HANSEN: I think it is well to list these States for the record.
>
> MR. CARMACK: There are only eight States. The States that treat Indians the same as everyone else. They are the ones who--Washington State, Oregon, California, Kansas, Utah, Wisconsin, Michigan, and Minnesota, excepting the Red Lake Reservation. Those States--
>
> MRS. HANSEN: Are the only ones-- . . . .
>
> MR. CARMACK: They are the only ones. All of the other States in the country with Indian reservations do not extend these services to Indians.
>
> MRS. HANSEN: To me this is appalling. Here is part of the BIA budget for welfare that should be in the total welfare budget. Isn't that correct?
>
> MR. CARMACK: If that is to be the policy.
>
> MRS. HANSEN: Let's face it, if the States of Washington, California, and Oregon, for instance, can treat Indians as people, will you tell me why other States cannot?
>
> MR. CARMACK: I can't speak for the States, but I can tell you what a welfare director in one of the other States would say, I believe.
>
> MRS. HANSEN: Such as?
>
> MR. CARMACK: I believe he would say that if the Indians are in significant numbers on tax exempt land, not contributing to the State's pool of revenue from which it is able to expend welfare funds, then it is an unjust hardship on the State to have to cover that portion.

> MRS. HANSEN: Our State does not feel that way. Our State feels they are making their contributions as citizens because the Indians have the same rights as anyone.[30]

In 1973, Mrs. Hansen got into a similar exchange with BIA official Raymond Butler, in which he remarked:

> In some States there are large acreages of trust status land--I draw particular attention to the State of South Dakota where, on Pine Ridge and Rosebud you have complete counties who have a very, very small taxable base upon which to support such a community services program as a welfare program.[31]

Testimony in both cases appears directed primarily toward financial assistance programs.

This evidence suggests the difficult position in which the BIA is placed. BIA officials assert that the tax argument partially explains the nonavailability of SRS assistance and perhaps services to reservation Indians. Although this argument may be legally faulty, as argued above, the BIA recognizes the resulting nonavailability and steps forward to supply needed assistance and services with BIA resources.

BARRIERS TO THE PROVISION OF SERVICES OFF RESERVATIONS

States and counties can tax land which is not held in trust by the federal government, and state law applies fully to Indians off the reservation. Thus, the financial and jurisdictional arguments for not providing Title IV-B and Title XX services to Indians do not apply to Indians who live on privately owned land off the reservation. Nonetheless, there are significant barriers to the provision of these services to off-reservation Indians.

In some quarters, there is a misconception that serving off-reservation Indians is the responsibility of the BIA. The bureau does provide some services off reservations. It provides social services on a residual basis in Oklahoma (except for Tulsa and Oklahoma City) and in Alaska. It provides limited services to Indians who have moved to certain urban areas in connection with the BIA employment assistance program. This program dates from the 1950s and at one time or another has had offices in Denver, Chicago, St. Louis, Dallas, San Francisco, Los Angeles, and other cities. The program helped families move to these cities, helped them find employment, and provided some social services--primarily referral to other agencies in the relocation cities--during the first months after their arrival in the cities.

The BIA also serves Indians who live "near" reservations. In 1974 the Supreme Court ruled that Indians who live near reservations are eligible for BIA financial assistance programs (Ruiz v. Morton). Proposed regulations defining "near reservation" were issued by the bureau in November 1975 but have not been finalized. They provide that:

> "Near reservation" means those areas or communities adjacent or contiguous to reservations which are recommended to the Commissioner by the local Bureau Superintendent in consultation with the tribal governing body of those reservations as locales appropriate for the extension of financial assistance and/or social services, based upon such general criteria as: (1) number of Indian people native to the reservation residing in the area, (2) a designation by the tribal governing body that their members residing in the area are socially and economically affiliated with their respective tribe, (3) geographical proximity of the area to the reservation, and (4) administrative feasibility of providing an adequate level of services to the area. The Commissioner shall designate each area and publish the designations in the Federal Register.[32]

Although BIA social services are provided only on a residual basis and only in limited circumstances off the reservation, the movement of many Indians back and forth between cities and their reservations adds to the complexity of the situation. No state has taken a formal position of reluctance to serve off-reservation Indians, but in some places at the local level the practice persists of discouraging Indians from applying for services on the basis that the responsibility for providing services lies with the BIA. Some off- or near-reservation Indians may prefer to return to the reservation for services, so that even though they are not domiciled on reservations they return to the reservation for certain services.

SUMMARY

The brief review in the first section of this chapter of the legal and constitutional status of federally recognized Indian tribes and of federal policy toward them demonstrates that tribal self-government is not a new "catch phrase" or slogan of "Red Power" advocates but is the law of the land. The powers of tribal governments have been eroded by congressional action in some eras and have been strengthened in others, and there have been many jurisdictional struggles between states and tribes. But most Indian tribes have been able to preserve a substantial measure of sovereignty. Since the late 1950s, federal policy--as expressed in acts of Congress, Supreme Court decisions, and administrative decisions--has worked to strengthen the self-governing powers of tribes under the policy of self-determination.

The state's limited power to tax on reservations and the limited jurisdiction of state laws on many reservations have often been cited as reasons why states cannot provide the full range of Social Security Act programs on reservations. It has also been charged that these arguments have been used to hide a pattern of discriminatory nonprovision of services to Indians. It is clear from relevant statutes and case law that states cannot refuse to provide services to reservation Indians, but the legal and financial barriers to the full provision of state services are also very real.

The policy of the Bureau of Indian Affairs is to step forward to provide child welfare services, within the limits of available resources, to eligible Indians on or near reservations and in the states of Oklahoma and Alaska when states or counties do not provide such services. Although the BIA provides services off reservations only in certain limited circumstances, and although there are no legal or financial barriers in off-reservation areas to the provision of child welfare services by states, state and county personnel may refrain from providing services because they think that the BIA is responsible.

Chapter 2

POLICIES AND ACTIVITIES OF MAJOR SERVICE PROVIDERS

This chapter reports the findings of mail surveys of the state divisions of child welfare, state institutions, Bureau of Indian Affairs and Indian Health Service area offices, private agencies, and intertribal and national Native American organizations. Chapter 3 will report the findings of field research.

STATE CHILD WELFARE AGENCIES

CSRD conducted a mail survey of child welfare divisions within state departments of social services in twenty-two states with substantial Native American populations. Seventeen states completed the survey questionnaire. Included in the seventeen were:

Alaska
California
Illinois
Maine
Minnesota
Nevada
New York
North Carolina
North Dakota
Oklahoma
Oregon
South Dakota
Texas
Utah
Washington
Wisconsin
Wyoming

States not providing the information requested included:

Arizona
Michigan
Mississippi
Montana
New Mexico*

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*See the methodology appendix for further discussion of the procedures used to maximize the response rate.

Caseloads

Accurate and complete data about the numbers of Indians receiving child welfare services from state or county welfare departments are often not available. Those states which are reimbursed by the BIA for foster care expenses for certain Indian children must keep statistics on numbers of Indians served. However, some states with substantial Indian populations report they do not record whether clients are Indians, and even in those that do, some social workers may not always recognize that a client is an Indian. The caseload data available from different states also vary in completeness, quality, and in the categorization of services. From the data we gathered through the mail survey (see table 2-1), two conclusions can be drawn, however:

1. Indian children and families comprise a significant portion of the total caseloads in some states and a negligible portion in others. For example, in South Dakota Indians account for well over half of the caseloads for most child welfare services provided by the Department of Social Services. In Alaska, 48 percent of the adoption cases reported by the State Department of Health and Social Services are Alaska Natives.

2. In almost all states reporting caseload data, the number of Indian cases is much greater than would be indicated by 1970 census figures for the number of Indian children in the population as a whole. Here it should be noted that the 1970 census figures have been widely criticized for undercounting the Indian population. Consider, for example, estimates of the Indian population in Arizona. The Bureau of Indian Affairs estimated that 120,276 Indians lived in Arizona on or adjacent to reservations in 1972-73. In addition, the number of Indians in Phoenix was estimated by the Phoenix Indian Center to be 15,000 in 1975. These BIA and Indian Center figures would suggest a total Indian population in Arizona of at least 135,000 rather than the 94,130 Indians counted by the 1970 census.[1]

However, a close examination of the data in table 2-1 shows that according to the 1970 census the Indian proportion of most child welfare caseloads is two to ten times as high as the proportion of Indian children in the total population of children in a state. This evidence suggests strongly--but not conclusively--that Indians are often overrepresented in caseloads of state agencies responsible for child welfare services.

TABLE 2-1

CHILD WELFARE CASELOADS OF STATE CHILD WELFARE DEPARTMENTS

State	Service(s)	No. of Indian Cases (State Figures)	Indian Cases as % of Total Caseload	Year of State Figures	Indians Under 18 as % of Population Under 18* 1970 Census
ALASKA	Adoption	25	48.0	1974	6.7
CALIFORNIA	Adoption	17	6.4	1975	0.5
	Foster Family Care	353	1.2	1975	
ILLINOIS	Adoption	18	1.3	1974	0.1
	Foster Family Care	69	0.6	1974	
	Group Home Care	6	1.5	1974	
	Institutional Care	6	0.2	1974	
	Social Services for Children in their Own Homes	47	0.5	1974	
	Adolescent Training and Support Services	9	0.7	1974	
MINNESOTA	Adoption Decrees	83	2.6	FY 1974	0.8
	Adoption Placements	56	4.1	FY 1974	
	Children Committed to State Guardianship	24 Ind. 8 Part-Ind.	8.1 2.7	FY 1974	
	Children Under State Guardianship	295 Ind. 291 Part-Ind.	13.6 11.6	As of 6/75	
	Foster Family Care	733	13.3	12/74	
	Group Home Service	65	7.6	12/74	
	Institutional Care	79	2.9	12/74	
	Residential Treatment	49	4.2	12/74	
	Social Services for Children in their Own Homes	2,133	6.7	12/74	
	Social Services for Unmarried Mothers	191	6.2	FY 1974	
NEVADA	All Child Welfare	n.a.***	16.5	As of 5/74	1.5**
NORTH DAKOTA	Adoption	13	6.8	1974	3.2
	Foster Family and Group Home Care	257	35.3	1974	
OKLAHOMA	Adoption	41	13.3	FY 1974	4.8
	Day Care Services	196	2.0	FY 1974	
	Foster Family Care	180	12.0	FY 1974	
	Institutional Care	120	2.7	FY 1974	
	Protective Services	143	13.4	FY 1974	
	Emergency Services	30	2.1	FY 1974	
	Social Services for Children in their Own Homes	10,429	4.0	FY 1974	
	Social Services for Unmarried Parents	15	5.4	FY 1974	
	Licensing Services	10	0.9	FY 1974	
OREGON	Adoption	5	2.1	1974	0.9
	Day Care Services	82	1.0	1974	
	Foster Family Care	84	2.1	1974	
SOUTH DAKOTA	Adoption	88	56.1	1974	6.8
	Day Care Services	464	56.0	1974	
	Foster Family Care	496	84.4	1974	
	Group Home Services	27	57.4	1974	
	Residential Treatment	29	50.0	1974	
	Other Child Welfare Services	n.a.	Approx. 2/3	1974	
UTAH	All Child Welfare Services	1,150	n.a.	1974	1.4
WASHINGTON	Adoption	23	8.7	1974	1.2
	Foster Family Care	503	8.7	10/75	

TABLE 2-1 (continued)

State	Service(s)	No. of Indian Cases (State Figures)	Indian Cases as % of Total Caseload	Year of State Figures	Indians Under 18 as % of Population Under 18* 1970 Census
WISCONSIN	Adoptive Placements	42	8.2	1970	0.6
	Children under Custody of Div. of Family Services	288	11.5	3/72	
	Foster Care-Boarding Homes	163	14.0	12/72	
	Foster Care-Group Homes	10	9.1	12/72	
WYOMING	Adoption	1	1.2	1974	1.4**
	Day Care Services	35	1.8	1974	
	Day Treatment	5	2.5	1974	
	Foster Family Care	17	3.0	1974	
	Homemaker Services	10	22.2	1974	
	Residential Treatment	6	5.0	1974	
	Protective Services	40	4.6	1974	
	Emergency Services	8	8.9	1974	
	Social Services for Unmarried Parents	1	1.2	1974	

*The figures in this column may be too low. They are from the 1970 census, which has been widely criticized for underenumerating Indians. See further discussion in text.

**Total Indian population (all ages) as percentage of total state population.

***n.a. = no answer

There are many possible reasons why Indians are apparently over-represented in the caseloads of state child welfare agencies. Perhaps there is a greater need for services on the part of Indians, or perhaps there are inconsistencies between the needs of Indian families and standardized practices for providing child welfare services to the general population, or a special effort may be made by some states to provide these services particularly to Indians. Additional analysis is necessary to choose among these and other possible interpretations of the reasons that Indians are overrepresented in these caseloads.

Special Provisions Concerning Indians

Notwithstanding the apparent large volume of Indian cases, relative to Indian populations, only four of the seventeen states responding to our survey indicated that they have incorporated special material about Indian children into their state plans, manuals, or other formal documents. In their responses to the mail survey, some states explained the lack of special policies concerning Indians by noting that Indians are treated equally--that is, the same as other citizens. For example, the Oklahoma Department of Institutions, Social and Rehabilitative Services responded:

> The Department's policies as described in the Manual are based upon the individual needs of persons served. For this reason no special services are outlined for any one group of people. They are available to all people.
>
> The Oklahoma Department of Institutions, Social and Rehabilitative Services has assured compliance with (the) . . . Civil Rights Act of 1964 . . . which states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The Department of Human Resources in Oregon presented a similar position:

> Here in Oregon, it is not a policy to provide child welfare services on a special group basis, nor to exclude services to a group, but to blanket all groups within the Agency's service delivery system.

The Illinois Department of Children's and Family Services responded to the survey with the following comments:

> Opinion questions (on the mail survey questionnaire) were not answered because the Department is committed to serving all children needing service and to answer would imply making policy exceptions for one group and not for others equally in need of service. Each child and family is served with careful consideration of particular needs and factors that impinge upon the case. If, perhaps, we interpreted the questions too narrowly, let me assure you that Indian children receive the same care and attention as any other children in similar circumstances.

The Department of Human Services in Maine suggested another reason for lack of special provisions for Indian children--the small number of Indian cases and the lack of knowledge about Indian child welfare.

> I want to take this means of saying that the questionnaire is not well filled-out--which I am aware is very significant in its own right. As we attempted to respond to the various questions, we became very aware of how little we know about services to Indian children and families.

At the other end of the spectrum, four states responding to the survey have incorporated special material concerning Indian child welfare into their state plans and manuals. These states share certain other characteristics also. Three of the states--Alaska, Nevada, and Washington--have until recently exercised jurisdiction over child welfare matters involving Indians. (Washington and Nevada exercised jurisdiction under PL 280; Nevada recently retroceded; Alaska has only one small reservation.) There are other PL 280 states which do not report special provisions concerning Indian child welfare in state plans, manuals, and other materials--such as Minnesota, Wisconsin, California, and Oregon. (Wisconsin, however, does have specific staff assigned to Indian matters at regional offices of the state department of social services.)

The fourth state which reports written policies concerning Indian child welfare is North Dakota. This state does not exercise jurisdiction under PL 280; indeed, North Dakota has taken a strict position about the jurisdictional limits on providing state child welfare services on reservations. The special written policies about Indian child welfare in North Dakota have been the product, in part, of extensive discussions between the state, tribes, and the Social and Rehabilitation Service concerning the impact of jurisdictional limitations on service delivery.

In sum, the states which do report written policies specific to Indian child welfare are all states in which jurisdictional issues or the clear grant of jurisdiction over child welfare matters to the states have impelled the state departments of social services to define written policies.

Nevada's state plan for Title XX states that Indian families and children living on reservations are eligible for the same services as other Nevada citizens living within the same geographical area. The Nevada Manual contains three references specific to Indian children. In the section on adoption, Indian children, as well as "normal, healthy . . . Mexican or Caucasian infants" are defined as not being "hard-to-place." The section on foster care specifies that the state will provide foster care services to all off-reservation Indian children and to AFDC-eligible children on all reservations. The manual further states that the Inter-Tribal Council of Nevada, which provides social services under contract from the BIA, will provide foster care services to Indian children on reservations where the state is not providing full services. The manual outlines referral procedures between the state and the Inter-Tribal Council. Procedures for entering Indian children in BIA boarding schools are also outlined in the manual.[2]

The manual of the Alaska Department of Health and Social Services states in the section on adoptions:

> The staff will reach out to Black, Native, and Mixed racial families as the child of minority or mixed race should have the opportunity to grow up with parents of similar background if possible.[3]

Alaska also reports that the state adoption law includes provisions specifically designed to make legal adoptions by Alaska Natives more feasible, including a provision that investigations are not required if the person petitioning to adopt a child is within the fourth degree of lineal or collateral consanguity of the child.

The manual of the Social Services Board of North Dakota states even more explicitly that placements of Indian children in non-Indian families are to be avoided if possible:

> By tribal resolution, press release, and otherwise the Indian people have made known a concern over the removal or possible removal of Indian children from the reservation to a non-Indian culture off the reservation. This concern is also to be

> recognized and respected. Therefore, with reference to those Indian children living on the federal Indian reservation, representatives of state and county government will not be involved in the removal of an Indian child off the reservation, but may respond to the tribal court in terms of social information or recommendations. In keeping with this concept, the county welfare board is not to accept legal custody of an Indian child unless the appropriate court has first determined the child is to live and be cared for off the reservation.[4]

The North Dakota manual also cites a ruling by the North Dakota attorney general that the state has no authority to license child care facilities, including foster homes, on reservations. The manual describes the alternative procedure by which the BIA certifies to the state that a home meets state standards and the state then "approves" the home to make it eligible for AFDC-FC payments. Also in the manual is a description of the BIA contract with the state for foster care placements of Indian children who are not eligible for AFDC.

The state which has gone the farthest in developing special procedures and policies for Indian child welfare cases is Washington. Since 1972 there has been an Indian Desk within the Washington Department of Social and Health Services (DSHS).* In brief, the desk has functioned as a resource within the department and as a liaison between the department and Indian groups and tribes. In the years since the formation of the desk, several positive steps have been taken, including:

1. the establishment of DSHS outstations on reservations
2. the compilation and distribution of caseload statistics, particularly in child welfare
3. increased Indian representation on various DSHS advisory bodies
4. increased Indian employment by DSHS
5. revisions of the Washington Administrative Code, providing for the creation of local Indian child welfare

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*The organization and activities of the Indian Desk are the subject of a case study report included in chapter 5.

committees to review all Indian child welfare cases and providing that Indian children are to be placed in Indian adoptive homes, preferably within their own or a related tribe, unless it is formally established that this is not possible

6. increased Indian input into planning for Title XX

Federal Instructions Concerning Indians

Although most states have not made special policies or provisions for Indian child welfare cases, the Social and Rehabilitation Service, the federal agency responsible for programs under Titles IV-A, IV-B, and XX of the Social Security Act, has issued a ruling concerning Indian child welfare. In 1970, SRS instructed state agencies that tribal court orders must be followed in cases involving reservation Indian children and reiterated the SRS position that financial assistance programs must be administered on a statewide basis, including reservations.[5]

On 30 December 1974, SRS issued a Program Instruction which summarized and strengthened SRS's position on the responsibilities of state agencies for Indian child welfare matters under Titles IV-A and IV-B. The Program Instruction was, in part, a response to the Indian child welfare hearings in April 1974 before the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs. The Program Instruction uses unusually forceful language, ordering states--as a condition of receiving Title IV-A and IV-B funds--to overcome existing legal barriers, if necessary by reaching agreements with other agencies, including tribes. The instruction affirms that a state must make strong efforts to overcome obstacles to the delivery of AFDC assistance to Indians who as "citizens of the State in which they reside . . . are . . . entitled to all rights, privileges and immunities that are accorded other citizens." A state cannot be "relieved of responsibility to supply AFDC foster care by asserting statutory or administrative authority, or lack of such authority, which prevents an otherwise elgible child from meeting all the conditions under section 408." In short, "it must take whatever action is necessary to remove obstacles to a child's eligibility." Specifically, "where an Indian Tribal Court has jurisdiction over civil actions on an Indian reservation, it must be recognized as competent to make such a judicial determination."[6] The Program Instruction goes on to make it clear that:

> A state agency must accept responsiblity for care and services for an otherwise eligible child from an Indian Tribal Court, or enter into an agreement with the public agency which has accepted responsibility for the child. Refusal by the state agency to do one or the other could arbitrarily exclude from AFDC foster care and services all otherwise eligible children who are within the jurisdiction of an Indian Tribal Court. Thus, if action by the state agency is necessary to make the child eligible, the agency must take that action.
>
> The State must license or approve for AFDC foster care foster family homes and nonprofit, private child care institutions on Indian reservations, which meet the state's licensing standards.
>
> Even where the state believes it is without the power to enter a reservation for inspection purposes, it is responsible for obtaining the requisite authority, or for arranging with someone who has the authority, for inspection and reports to be made in order to carry out its responsibilities.[7]

The discussion of day care follows similar lines: "As with foster care, Section 402 requires that the State provide assistance in the form of day care statewide for all eligible children, including Indian children."[8]

The Program Instruction also reviews state licensing standards as applied to Indian people and finds them inappropriate:

> The goals of Title IV . . . are: to encourage the care of dependent children in their own homes or in the homes of relatives; to help maintain and strengthen family life; and to help parents or relatives to attain or retain capability for maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection.
>
> *The present system of foster care, adoption, and day care for Indian children living on reservations has been defeating these goals.* Present standards, as applied to Indians on reservations in foster care and day care areas, have resulted in an extremely high rate of removing Indian children from their homes and families, compared to the rate for non-Indian children. A major reason for these statistics has been that the *standards employed in determining the fitness of homes for children are not attuned to Indian society* [emphasis added].[9]

The instruction requires that the equitableness of standards be determined on the basis of their effect upon recipients rather than their similar statutory language. The Program Instruction repeats the arguments set forth in the legal memorandum and concludes:

> If one standard produces substantially different results in one political subdivision of the state as contrasted with another, the standard is not uniform in terms of results produced. *If different standards would be more likely to accomplish the goals of the Act, they are permissible in order to remove the hardship, and in extreme cases may be required* [emphasis added].[10]

Most states have not written special licensing standards for Indian foster care or day care facilities. Of seventeen states responding to the question concerning foster care standards, only Nevada, Washington, and South Dakota indicated that standards can be modified or relaxed for Indian homes. In Nevada, licensing procedures include a provision for "special" licenses, which are issued when a home meets the requirements of a specific child but does not meet all regular licensing standards. This procedure is reportedly used for many Indian families. In Washington, regulations were revised in 1974 so that:

> in individual cases the department, at its discretion, may waive specific requirements which because of the cultural patterns of the persons served or which for other reasons are inappropriate, and may approve alternative methods of achieving the intent of specific requirements if such waiver does not jeopardize the safety or welfare of the persons in care. Licenses issued under the provisions of this section may be limited or restricted by the department.[11]

South Dakota's response to the survey indicated that the state had no specific regulations but stated that: "physical structure and facilities must be in safe condition, but cultural differences [are] taken into account." As will be discussed in chapter 3, several local agencies indicated that they informally relax physical standards for Indian foster homes.

Indian Involvement In State Programs

Several states have made provisions for Indian involvement in the programs of state child welfare agencies. Eight of the fourteen state agencies which responded and which have advisory boards reported that there are Indian members on these boards. Two additional states reported other special mechanisms for gaining Indian input, such as joint planning with Native American organizations, holding Title XX hearings on reservations, and including Indian members on other boards and committees.

Twelve of the sixteen states responding reported that they employ Indians on the staffs of the state child welfare agencies. Four agencies have staff specifically assigned to work with Indian child welfare problems. Six state agencies reported that their staffs had participated in training sessions on Indian child welfare during the past year.

STATE INSTITUTIONS

The mail survey of state departments which were responsible for institutions for children did not elicit a high response rate. Questionnaires were mailed to sixty-five state agencies in twenty-two states, but only twenty-eight (43 percent) responded. Of these, nine indicated that they did not consider themselves to be involved with institutional programs. Thus, the survey yielded data from only nineteen state agencies in fifteen states. No information is available from several states with substantial Native American populations, including Alaska, New Mexico, Nevada, North Dakota, and Washington. On the other hand, relatively complete responses were provided by Arizona, Montana, Minnesota, Oklahoma, South Dakota, Wisconsin, and Wyoming. (For a list of agencies responding and a discussion of efforts to increase the response rate, see the appendix.)

Services Provided

Only ten state institutional systems provided data about the numbers of Indian children in state institutions. These data suggest that Indians are a very small percentage of the average daily census in most state institutions. South Dakota and Montana reported the highest proportion of Indians. South Dakota reported that 27 percent of the children at mental health institutions, 24 percent of institutionalized delinquents, and 8.8 percent of institutionalized mentally retarded children were Indians. Montana reported figures of 20 percent for institutions for the emotionally disturbed and 10 percent for institutions for the mentally retarded. Utah reported that 10 percent of children in institutions for the emotionally disturbed, 7.9 percent in institutions for delinquents, and 2.3 percent in institutions for the mentally retarded were Indian children. In all other responding states, Indian children were reported to account for less than 5 percent of the average daily census of children.

In keeping with the relatively small numbers of Indian children in most institutions responding to the survey, the majority (fifteen of nineteen) of all respondents indicated that they had no special programs or policies for Indians. A typical comment was made by the South Dakota Board of Charities and Corrections: "Our operation is totally geared to treatment and care of clients that are sent to us and white and Indian alike receive the same treatment and benefits of the programs." Four of the nineteen respondents reported recent training programs on Indian child welfare or related matters.

As mentioned above, the Bureau of Indian Affairs does have contracts with several state institutional systems, providing for BIA reimbursement of the costs of institutional care for reservation Indians. These contracts do not provide for special programs for Indians.

Indian Involvement in Institutional Programs

Four of the nineteen respondents indicated that they employed Indian staff in some capacity. Four of the thirteen respondents which have advisory boards indicated that these boards included at least one Indian member. However, eight of the nineteen respondents indicated that there were some other formal channels for Indian input into the institutional programs, usually at the local level. Seven of the nineteen respondents indicated that they had some contact or regularized working relationship with tribes or with urban Indian organizations. These arrangements include established referral patterns, regular contacts with tribal officials, and--in three cases--contracts for community-based services from urban Indian organizations or with tribally operated nonprofit corporations.

The Montana Department of Institutions reported that Montana tribes have approached the state about the creation of a sixth substate region which would include all Montana reservations. This would involve the separate staffing and administration of programs for reservations. Discussions between the state and the tribes are continuing.

The Montana Department of Institutions is also currently negotiating contracts with tribes for the provision of services for juvenile delinquents to reservation youth. The need for these contracts originated with a 1972 state Supreme Court decision. *Black Wolf* v. *District Court*, which held that state courts cannot commit reservation youth to institutions for delinquent youth, even at the request of tribal courts, because states lack jurisdiction over reservations. Upon the issuance of the *Black Wolf* decision, the state released all reservation youths in state institutions for delinquents, saying that there was no legal basis for their continued involuntary commitment. State legislation effective in July 1975 has created a mechanism through which tribal courts can place reservation delinquents in state institutions. Once the tribe contracts with the state for institutional services, it insists on being reimbursed for the costs of institutionalization by the BIA. The first contracts are currently being negotiated.

With respect to the recognition of tribal court orders, practices vary from state to state. Of the eighteen respondents in states other than Montana, only three indicated that they routinely recognize tribal court orders. Nine indicated that they do not recognize tribal court orders, and six stated that all commitments are voluntary so that the question does not arise.

BIA SOCIAL SERVICES PROGRAM

The primary obligation of the Bureau of Indian Affairs is to administer the "trust responsibilities" of the federal government to federally recognized Indian tribes. These trust responsibilities derive from treaty obligations and from the fact that reservation land, whether owned by a tribe or allotted to individual tribal members, is held in trust by the federal government. Therefore, the federal government--i.e., the BIA--has the responsibility for regulating the use of these lands and dealing with such matters as the leasing of lands, the management of water and mineral rights, range management, and so forth (see table 2-2 for a breakdown of the bureau's budget). The overriding importance of the management of tribal land is demonstrated by the placement of the bureau within the Department of the Interior.

A typical comment on the relative importance of social services to the bureau was made by a long-time BIA area social worker in response to the CSRD mail survey:

> Child Welfare Services being "services" rather than "trust obligations" are automatically assigned a comparatively low priority in the Department and in the Bureau. The need for professionally well-trained and experienced workers in this field is accepted throughout the country. There is little evidence that the need receives high priority consideration in the Bureau. . . . The weight of general assistance administration, supervision of Indian money accounts, and supervision of proceeds from land sales are routinely given higher priority consideration than are Child Welfare Services.

The Development of BIA Social Services

The BIA social service program has been created not by legislation specifically focusing on social services but rather by a series of administrative actions and by slowly increasing appropriations.

The statutory authority for BIA programs, including social service and general assistance programs, is the Snyder Act, passed in 1921. The act reads, in part:

> The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:
>
> > General support and civilization, including education.
> >
> > For relief of distress and conservation of health.
> >
> > . . . and for general and incidental expenses in connection with the administration of Indian affairs.[12]

The language of the Snyder Act is extremely broad, especially in comparison with the complex and specific Social Security Act.

TABLE 2-2

BUREAU OF INDIAN AFFAIRS BUDGET*

Activity	FY 1975 Amount Available (000)	FY 1976 Amount Available (000)	FY 1977 Estimate (000)
1. Education	$226,392	$243,190	$243,807
2. Indian Services	98,703	129,531	154,735
a) Social Services	(63,963)	(66,025)	(71,902)
b) Law Enforcement	(10,115)	(24,333)	(24,320)
c) Housing	(13,203)	(14,368)	(16,146)
d) Aid to Tribal Government	(11,322)	(14,105)	(9,480)
e) Self-Determination Services	(0)	(10,700)	(32,887)
3. Tribal Resources Development	75,277	83,778	88,744
4. Trust Responsibilities	18,553	21,337	24,010
5. General Management and Facilities Operation	66,598	73,746	76,174
6. Miscellaneous	408	2,115	2,040
TOTAL	$485,932	$553,697	$589,510

*Figures may not add up exactly due to rounding.

SOURCE: U.S., Congress, House, Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, Hearings, Department of the Interior and Related Agencies Appropriations for 1977, Part 2, 94th Cong., 2d Sess, pp. IA-2-IA-3.

At the time the Snyder Act was passed, many BIA activities had a major impact on Indian family life. An impact was felt through the boarding school system, the distribution of rations, health services, a variety of controls over personal and tribal property, and a program of working with women in their homes under the field matron service. In 1928, the Merriam Report recommended that these diverse activities be combined and expanded into a coherent BIA program directed at strengthening Indian family and community life and operated by trained social workers. The first BIA social workers were hired in 1931 by the Division of Education. Their responsibilities included assisting in the curtailing of the BIA boarding schools by working to ease the adjustment of children who were returning to their homes and helping to decide which children should continue to attend boarding schools. In 1941, these social workers were transferred to the newly created Division of Welfare. However, they have retained a role in deciding which children should attend BIA boarding schools.

In 1944, the distribution of rations was replaced by a system of cash payments, with BIA social workers responsible for establishing eligibility. Appropriations for the general assistance (cash payment) program and for social services increased from $472,710 in 1949 (including salaries for twenty BIA social workers) to $2.3 million in 1952, $5.8 million in 1960, and $64 million in FY 1975.[13]

The BIA's social service and general assistance programs were codified in the Indian Affairs Manual in 1952. In 1974, the Bureau made several changes in the manual concerning goals, standards, and procedures in foster care cases. These changes responded to recommendations of a study conducted by the North American Indian Women's Association.[14]

Until recently, the only written definitions of the bureau's social service programs were to be found in congressional testimony--which is scanty--and in this manual, which is a loose-leaf collection of materials not easily available to the public or to persons outside the bureau. on 18 November 1975, the BIA published in the Federal Register proposed regulations for its financial assistance and social service programs.[15] No final regulations have yet been issued. The proposed regulations differ in some respects from the materials in the Indian Affairs Manual, and there are plans to revise the manual once final regulations have been approved.

The Scope of the BIA Social Services Program

The BIA social services program consists of three major components: financial assistance, child welfare services, and social services. The budget for these components is summarized in table 2-3. Financial assistance in the form of the BIA general assistance program accounts for over two-thirds of the social services budget. General assistance monies are available to needy Indians who are not currently receiving financial assistance through non-BIA public assistance programs, such as AFDC and Supplemental Security Income (SSI). The general assistance program includes the Tribal Work Experience Program (TWEP), which provides work experiences to employable general assistance recipients.

The budget item listed as "social services" is primarily accounted for by the employment of BIA social workers and by contracts with tribes which have taken over the functions of BIA agency social work employees. The "child welfare" item designates funds available for the purchase of services, primarily payments to foster parents, institutions, and group homes.

The scope of services provided by the BIA varies substantially in different parts of the country. The bureau operates at three administrative levels: a Washington headquarters, twelve area offices, and numerous local offices. At the local level, the BIA office is called an "agency," a term remaining from the days when the federal government appointed "Indian agents" to various tribes. The Navajo Nation is served by several agencies; most reservations have one agency office; and a few BIA agencies serve several small reservations. The supervising agency social worker reports "administratively" to the superintendent of the agency and consults on technical matters with the area social workers.

There are twelve area offices, ten of which cover agencies in more than one state. BIA area offices have a great deal more authority than DHEW regional offices. Having operational responsibilities, they are engaged in the supervision of direct service programs. Area social workers report directly to the area director, "who is responsible to the Commissioner of Indian Affairs for the administration of all programs and activities within his area."[16]

The scope of BIA social service programs in different areas is illustrated by tables 2-4 and 2-5, which show funding levels at the area level and total caseloads for all agencies within each area. Several comments can be made about the information in these tables.

TABLE 2-3

BIA SOCIAL SERVICES BUDGET

	FY 1974 Actual	FY 1975 Estimate	FY 1976 Request
1. General Assistance	$45,389,217	$49,095,000	$49,573,000
(Caseload)	(61,424)	(65,000)	(68,000)
2. Other Welfare Assistance			
a) Child Welfare	6,922,760	6,480,000	7,776,000
(Caseload)	(3,007)	(3,100)	(3,200)
b) Miscellaneous Assistance	412,401	400,000	840,000
(Burials)		(250)	(1,200)
3. Social Services	7,356,482	7,988,000	8,000,000
TOTAL	$60,080,860	$63,963,000	$66,189,000

SOURCE: Department of the Interior, Bureau of Indian Affairs, "Operation of Indian Programs," in U.S., Congress, House of Representatives, Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, Hearings, Department of the Interior and Related Agencies Appropriations for 1976, Part 3, 94th Cong., 1st Sess., 17 March 1975, p. 71.

TABLE 2-4

BIA AREA CHILD WELFARE CASELOADS

Child Welfare Services	Total Number of Children Served by Agencies in Each Area Office									
	Aberdeen, South Dakota	Albuquerque, New Mexico	Anadarko, Oklahoma	Billings, Montana	Eastern Area **	Juneau, Alaska	Minneapolis, Minnesota	Muskogee, Oklahoma	Navajo	Phoenix, Arizona
	1974	1974	1974	1974	1974	1974	1974	1974	FY 75	1974
Adoption Services	◪ [2]	■	■	◪ [3]	■	■	■	■	356[7]	15
Day Care Services	--	■	■	--	■	■	■	■	■	■
Day Treatment	--	■	■	■	■	■	■	■	■	[5]
Foster Family Care	159	146	■	--	86	128	105	■	200	320
Group Home Services	179	75*	■	--		5	■	■	37	[5]
Homemaker Services	--	■	■	--	■	20	12*	■	■	■
Institutional Care for Children	149	263	■	◪ [3]	47	100	17	656	284	500
Residential Treatment	--	188	■	◪ [3]	[6]	6	6	■	345	[5]
Protective Services	--	15	--	--	[6]	■	15	■	342	◪ [3]
Emergency Services	--	25*	--	--	[6]	48	26	■	99	[5]
Social Services for Children in Their Own Homes	--	161	--	--	[6]	--	70	--	4,176	◪ [3]
Social Services for Unmarried Parents	--	10*	--	--	[6]	38	15	--	21	[5]
Other	■	■ [1]	■	[4]	■	■	■	■	1,075	■

■ Indicates that no service is provided. ◪ Indicates that minimal services are available.

-- Indicates service is provided but caseload statistics are not available.

No response was received from the Portland and Sacramento Area Offices.

There is no child welfare program in the Sacramento area.

* BIA Estimate

** Average Caseload per month.

[1] Family Counseling
[2] Adoption Services: referral only
[3] "Very few"
[4] Supervision of Indian Money Accounts
[5] "Contract for as needed"
[6] Separate totals for children served are not available.
[7] Home studies usually at request of tribal court.

SOURCE: Results of CSRD mail survey.

TABLE 2-5

BIA CHILD WELFARE CASELOADS AND EXPENDITURES*

Area	Foster Care		Mental		Blind & Deaf		Dependent		Delinquent		Maternity		Other		Total Institutional		Special Needs		Total Child Welfare	
	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount	cases	amount
Aberdeen	441	647,806	35	48,354			8	28,339	9	36,982	1	5,348	11	27,139	64	146,162	14	8,130	519	802,099
Albuquerque	167	210,318	20	104,889	8	26,363	18	58,970	42	364,421		4,100	34	117,170	122	675,912	23	11,520	312	897,750
Anadarko														50		50	1	703	1	753
Billings	281	289,916					81	181,217	16	29,154	2	3,915	1	425	100	214,710	65	10,891	446	515,517
Juneau	55	121,581	7	63,440	1	11,169	23	126,884			6	55,622	7	11,809	44	268,924	14	20,042	113	410,546
Minneapolis	24	66,476																3,038	24	69,513
Muskogee												590				590	1	763	1	1,353
Navajo	93	102,681	242	1,327,813	55	233,385	30	33,703	13	60,779	3	19,622	107	236,501	450	1,911,802	5	5,574	548	2,020,057
Phoenix	345	545,363	106	538,714	15	69,682	113	461,249	55	296,605	9	51,595	6	51,595	304	1,469,440	31	21,906	680	2,036,710
Portland							1	930						266	1	1,196	3	2,377	4	3,573
Eastern	87	134,674	4	672	1	328	19	72,000	24	53,494	—		—	26,616	153	153,110	6	5,195	141	292,979
Total	1,493	$2,118,814	414	$2,083,882	80	$340,927	293	$963,291	159	$841,434	21	$140,792	166	$471,570	1,133	$4,841,896	163	$90,140	2,789	$7,050,850

*Figures may not add up exactly due to rounding.

SOURCE: Figures provided by BIA Central Office.

1. *BIA social services are strictly limited in Oklahoma and certain other states which exercise substantial jurisdiction over Indian lands.* The Anadarko and Muskogee area offices report that their primary involvement in child welfare services consists of arranging placements in BIA boarding schools, providing services to children in their homes, and providing services to unmarried parents. The Portland Area Office has no budget for child welfare services (e.g., for payments to foster homes, institutions, and group homes) because these services are provided by the states of Washington and Oregon. The Sacramento Area Office consists of only one social worker. It has no social service programs at the agency level and no area child welfare program.

2. *In general, the BIA does not provide adoption services.* The BIA does not have the authority to accept custody of children. The *Indian Affairs Manual* reads:

> While the Bureau of Indian Affairs exercises certain controls over Indian trust land and may provide protections for income accruing to certain Indian persons, the Bureau is not constituted to exercise powers of guardianship of the person or to be vested with custody of a child. The Bureau as any Federal administrative agency must look to the Court of jurisdiction responsible for protecting the child when his parents do not exercise their natural guardianship or do so ineffectively, or when his legal guardian does not exercise his office or does so ineffectively. Such protections are sought from Tribal or State Courts.[17]

At the request of the appropriate court (state or tribal), the BIA can provide certain adoption services, such as home studies. But a BIA social worker must work with the court to have custody vested in a state child welfare agency or a licensed child-placing agency. The Phoenix Area Office lists fifteen cases of direct service. These are cases of the Indian Adoption Program of the Phoenix Jewish Family and Children's Service, which is supported by a contract from the Phoenix Area Office. The Navajo Area Office lists 356 cases in which the BIA has conducted a home study in connection with adoption proceedings. Most of these studies are at the request of the tribal court and involve independent adoption petitions. Very few involve private agency adoptions or adoptions handled by a state department of social services. The BIA Washington headquarters also has a contract for adoption services with the Adoption Resources Exchange of North America (ARENA) operated by the Child Welfare League of America. (See chapter 4 for a description of these programs.)

3. The BIA rarely provides day care or day treatment services. These services are not specifically excluded by BIA policy, but appropriations have never been large enough for BIA to consider providing such services. (BIA General Assistance Grants can be used by recipients to pay for day care, however.) On many reservations, day care programs are supported by federal Title XX funds, with tribal funds providing the 25 percent local match.

4. The BIA usually pays for institutional care and residential treatment. Area social services offices contract with private facilities and with state institutions for these services. In Montana, however, legal problems arising from the Black Wolf case, which held that state juvenile institutions could not accept court commitments from tribal courts, have established major barriers to the utilization of state institutions by the bureau. As noted above, recent state legislation attempts to circumvent these barriers so that institutions can accept placements by tribal courts.

5. Homemaker services are provided by some areas but not by others. The Aberdeen, Billings, Juneau, and Minneapolis area offices reported that their agencies provided homemaker services to a limited number of cases.

Another source of difference among BIA social service activities in different locations arises from BIA contracts with state departments of social services. BIA area offices reported contracts with seven states. Under these contracts, BIA reimburses the states for the cost of foster care payments for Indian children who are from reservations and not eligible for AFDC. Indian children who are eligible for AFDC are covered by state-federal funds, under Title IV-A of the Social Security Act. The seven states with BIA contracts are Arizona, New Mexico, Nevada, North Dakota, South Dakota, Minnesota, and North Carolina. However, the Minnesota contract is being phased out beginning in FY 1975 because "it has been generally agreed by the Bureau of Indian Affairs and the State that Indian children, except for the Red Lake Reservation, in the State are eligible on the same basis as other citizens to receive Child Welfare and Foster Care Services from State and County Welfare Departments."[18]

There is no common characteristic among the seven states with BIA contracts. Arizona, North Dakota, and South Dakota do not exercise jurisdiction on reservations under PL 280 and have generally been cautious in extending services to reservations. But other states which do not exercise jurisdiction under PL 280 (Wyoming, Montana, and Colorado, for example) have no contracts with the BIA for foster care services.

Indian Involvement in BIA Social Service Programs

There are several channels for tribal involvement in BIA social service programs. Tribes and intertribal councils can both deal directly with BIA area offices. However, there are no advisory boards to the bureau at either the area or agency level.

At the nine area offices responding, one reported that an Indian held the top social service position, and two reported that Indians were assistant area social workers. Two area offices reported no Indian staff, and two offices reported Indians only in clerical positions. Seven of the area officers reported recent training sessions in Indian child welfare matters.

Tribes can also be involved in BIA social service programs by operating these programs directly, under contract from the bureau. The Indian Self-Determination Act of 1975 (PL 93-638) provided that the BIA and the IHS must show cause for not contracting when a tribe requests a contract. If a contract is denied, the BIA or the IHS must provide funds to build the capabilities of the tribe so that it can operate programs under contract in the future. Several tribes and intertribal groups already are providing social services under BIA contracts, and some have been for a number of years. A number of these contracts are mentioned in a later part of this chapter which deals with intertribal councils and also in a later chapter dealing with tribal social services (chaper 3, part 1).

BIA BOARDING SCHOOLS

Boarding schools were included in the study of child welfare services for Indians because boarding schools have served as the major form of out-of-home placement for Indian children since the late 1800s. According to Senate testimony, in 1974 the BIA was operating seventy-five boarding schools enrolling over thirty thousand students.[19]

A second and a major reason for studying BIA boarding schools was that the majority of students are sent there for social rather than educational reasons.

BIA social workers use the following criteria in selecting children to be placed in boarding schools for social reasons:

1. Those who are rejected or neglected for whom no suitable plan can be made
2. Those who belong to large families with no suitable home and whose separation from each other is undesirable
3. Those whose behavior problems are too difficult for solution by their families or through existing community facilities
4. Those whose health or proper care is jeopardized by illness of other members of the household[20]

Clearly placements made under these criteria fall within the realm of child welfare matters.

Mail questionnaires were sent via the BIA area education directors to a sample of thirty-five boarding schools. Returns were received from sixteen, or 46 percent. (See the appendix for further methodological discussion.)

Students and Staff

The geographical boundaries of the population served by the boarding schools vary widely. Five reported that they have students from across the nation (although the majority come from the state where the school is located); five report that their students come from three to ten states surrounding the school; two have students from only one state; and four serve only one reservation or parts of one large reservation (Navajo).

All are residential institutions by definition, but three also reported having some day students. Five of the schools are actually boarding dormitories, with the students attending local public schools. A breakdown of grades included at the schools follows:

Grades K-6: 1 school*
Grades 1-8: 2 schools
Grades 9-12: 5 schools
Grades 1-12: 8 schools

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*This school also has a prevocational program for children aged 13 to 21.

The number of students at fifteen schools (one did not give attendance figures) totalled 3,957, with the number of students ranging from 88 to 613.

The schools were asked how many people were employed in administration, teaching, and in the dormitories and about the number of Indian staff members. While the wording of the two questions does not always permit direct comparisons, some conclusions are possible. At four schools all administrators are Indian; at four over half are Indian; at two less than half are Indian; and two of the schools have no Indian administrators. The responses did not show the number of Indian administrators at four schools, but it is known that the principal at one of these schools is Indian and that at another the superintendent is Indian.

As noted earlier, five of the schools do not have instructional programs and therefore have no teaching staff. All of the remaining eleven schools have some teachers and teacher aides who are Indian, with the percentages as follows:

7-25 percent:	2 schools
26-50 percent:	4 schools
51-75 percent:	2 schools
76-86 percent:	3 schools

The boarding schools all have dormitory staff (called "Instructional Aides") who serve as houseparents to the children. The dormitory staffs have high percentages of personnel who are Indian (compared to administrators and teachers), ranging from 68 to 100 percent (eight schools report 100 percent).*

The schools were also asked about other means for Indian input into school policy, such as advisory boards. All but one of the schools have advisory boards, and all of these boards are entirely made up of Indians. The basic function of these boards is to make policy recommendations. In addition to the advisory boards, two schools have parent-teacher organizations that function like PTAs; six schools have parent councils to oversee Title I programs; and one has a parent committee. Five respondents mentioned contacts with tribal authorities and committees, and four stated that parents contact school officials directly. Two schools replied that there are no means for Indian input besides the advisory board.

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*Fifteen schools reporting.

Social Services at Boarding Schools

As noted earlier, many students are sent to boarding schools for "social reasons." The schools in this survey were asked what percentage of their students were there for social reasons, with the following results:

None:	1 school
30 percent:	1 school
40 percent:	1 school
61 percent:	1 school
67 percent:	1 school
70 percent:	1 school
80 percent:	1 school
86 percent:	1 school
90 percent:	3 schools
95 percent:	1 school
100 percent:	2 schools
Unknown:	1 school

Several questions were asked of respondents in an attempt to assess the availability of services for dealing with the problems of these students. First, the numbers of guidance, counseling, and social work staff were requested. (Dormitory staff are called "guidance staff" by BIA.) However, most dormitory staff do not have specialized training in guidance, although supervisory dormitory staff sometimes have such training. The combined numbers of counselors and guidance staff (not counting nonsupervisory dormitory staff) are shown in table 2-6. While caseload data are too erratic to use in this report, the number of students at the schools are reported together with the number of counselors. The level of training of these counselors was not obtained.

TABLE 2-6

COUNSELORS AND GUIDANCE STAFF AT BIA BOARDING SCHOOLS

Counselors and Guidance Staff	Number of Schools	Number of Students
1	4	88, 160, 105, 200
2	2	150, 154
3	3	220, 161, 226
4	4	231, 411, 308, 550
5	1	364
6	1	Not reported
14	1	613

In spite of the fact that so many students are sent to boarding schools for behavioral and family problems, social workers are even more lacking at these schools than are counselors and guidance staff. Seven schools have no social workers on the staff; six schools have 1; one has 1 1/2; and two have 2. Nearly all of the schools stated that IHS mental health services are used on occasion, and at three schools psychiatrists come in for regular consultations. However, these do not represent full-time staff members available for casework with the students.

In addition to being questioned about available counseling services, respondents were asked whether or not their schools had any special programs for children with behavioral or emotional problems. Four schools stated that they do not have any such programs, while the percentages of children referred to these schools for social reasons are 5, 90, 100, and 100 percent. At several other schools the programs described include: use of social workers and clinical psychologists or psychiatrists from other agencies (two schools); two social workers hired under Title I and Title IV (one school); recreation and athletic program (one school); and training sessions in grooming and proper behavior (one school). Programs in operation at three other schools included: in one, Title I aid for the emotionally handicapped and a behavior modification program in the dormitories; in the second, small group counseling; and in the third, a Title I program for dropout prevention. Four additional schools have alcohol and drug abuse programs, which sometimes involve detoxification as well as counseling. One of these schools also has a guidance committee for behavioral problems; another has social workers and a psychiatrist; and a third reported a regular psychiatric interview program for students.

The use of outside resources by boarding schools was ascertained by asking whether or not children are referred to other specific agencies and under what circumstances. Thirteen schools reported that students are referred to IHS for health problems; the other three did not mention outside health resources. Ten referred children to IHS for mental health services, and mental health services are obtained from state or county agencies by five schools.

Children are referred for various reasons to county departments of welfare by twelve schools. Services include financial assistance for students, vocational rehabilitation, and help in solving juvenile delinquency problems. Services for students' families, family planning services, and consultation on mutual cases are also provided. Since the questionnaire did not distinguish between a student's home county and the county in which his or her boarding school was located, it cannot be determined whether the home or local county departments are referred to for these services. It is assumed that the home county normally provides financial assistance and services for a student's family.

BIA and tribal social services are responsible for referring children to the BIA boarding schools, and they usually provide social summaries on these children to the schools. However, the pattern of referrals from the schools to BIA social workers is very uneven. Nine schools reported that they maintain close contact with BIA social workers in terms of consultation and followup. Contact mentioned by the others included using BIA to locate students who return late or students' families who have moved without notifying them; making emergency contact with families in cases of illness or accident; giving employment assistance for graduates or dropouts; making arrangements for unwed mothers; and planning summer and vacation placements of students. Tribal social services are contacted by nine schools for the following services: financial assistance, family contacts, coordination of local resources, aid to unwed mothers, family and child welfare problems, and consultation.

Various other resources are also used by boarding schools. Four mentioned that local churches hold services at the school, and two said that students participate in church activities, such as choir and athletics. Churches also provide counseling services for students at three schools. Other schools reported contacts with Indian or Native American organizations, private agencies, such as YWCA and YMCA, and civic groups such as Lion's Club (which provides eyeglasses for students).

Finally, respondents were asked whether they felt any changes should be made in their schools' policies and/or procedures regarding child welfare-related services. Six schools responded negatively, despite the fact that these same schools have few, if any, programs for children with special problems of a child welfare nature. For example, the programs for children with behavioral and emotional problems at these schools are: none--two schools; recreation--one school; small group counseling--one school; and Title I aid for the emotionally handicapped--one school. A seventh school replied that the question was too vague to elicit an adequate response. One might conclude that these responses tend to reflect a lack of sufficient awareness and appreciation of children's problems and services to deal with them.

The remaining nine schools answered that there were changes that should be made. Respondents expressed desires for more or better staffing or facilities, such as: more counselors and social workers; more psychological services; more dormitory personnel; upgrading of dormitory personnel through strengthening requirements and upgrading the civil service entry grade; increase of funding; provision of treatment centers for students exhibiting deviant behavior; and a special dormitory for students having a hard time adjusting to the school.

Procedural changes suggested included: increased followup of students referred to outside agencies for services; publishing a full explanation of all services available; and channeling children with severe emotional problems to alternative schools.

Recommended changes in service provision included: a consideration of the totality of a youngster's needs and an intimate knowledge of his personal environment; more sensitivity to the values and lifestyles of students; and a pilot project using staff and students to develop the effective use of self for the purpose of promoting adjustment to the school's program.

THE INDIAN HEALTH SERVICE

Development of IHS Programs

Many treaties between the federal government and Indian tribes state that the federal government shall provide certain health services to Indians. In the early nineteenth century, these services were provided by military physicians stationed at frontier forts and on Indian reservations. A major concern of these physicians was to prevent the spread of smallpox and other contagious diseases which had been unknown among Indians. In 1849, the Bureau of Indian Affairs was transferred from the War Department to the Department of the Interior; henceforth, federal health services were provided by civilian physicians.

The Public Health Service became deeply involved in providing health services to Indians during the 1920s, when it became a practice to assign commissioned officers of the Public Health Service to Indian health care services. However, it was not until 1954 that health services were transferred out of the Bureau of Indian Affairs. The basic legislative mandate for these services is still a brief phrase in the Snyder Act (the enabling legislation for the BIA), which provides for the appropriation of funds for the "relief of distress and conservation of the health of Indians."[21]

Since the creation of the Indian Health Service as a division of the Public Health Service (DHEW), federal funding for Indian health has risen dramatically, from a budget of $24.5 million in FY 1955 to $286.7 million in FY 1976. Over this period, certain indicators have shown dramatic improvement in the health of Native Americans, but the life expectancy of Native Americans is still six years shorter than that of the average American. Another significant indicator is that, because of insufficient staffing or poor physical plants, only twenty-four of the fifty-one IHS hospitals met the accreditation standards of the Joint Committee on the Accreditation of Hospitals, according to a recent study by the Joint Committee.[22]

Scope of IHS Programs

Federal regulations published in 1971 state that the IHS:

(1) Assists Indian tribes in developing their capacity to man and manage their health programs

through activities, including health and management training, technical assistance, and human resource development

(2) Facilitates and assists Indian tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State and local programs, in operation of comprehensive health programs and in health program evaluation

(3) Provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities

(4) Serves as the principal Federal advocate for Indians in the health field to assure comprehensive health services for American Indians and Alaskan Natives[23]

There are three administrative levels in the IHS: headquarters, eight area offices corresponding roughly to BIA area offices, and eighty-eight service units. The service units are primarily health delivery units located on Indian reservations, in cities in which IHS has regional medical centers, and in Oklahoma and Alaska. The service unit usually includes a hospital or health center as well as preventive health services such as health education, field medical services, public health nursing, and dental and sanitation programs. Health centers and stations provide clinic-based services to more remote communities.

To supplement basic services available through the service unit, IHS conducts a contract health services program. Contracts for health services are made with hospitals, clinics, private practitioners, university medical centers, counties, tribes, and other Indian organizations. Such contracting is the principal way in which Indian tribes participate directly in IHS programs.

The Indian Health Service is somewhat more active than the BIA in serving Indians in urban areas. As with the BIA, federal policy has generally been that Indians who have left the reservation are to be served by federal programs which serve the general population. The massive unmet needs on reservations and the limitations on federal funds reinforce this policy. However, since 1966 Congress has made several special appropriations through the IHS to meet the health needs of urban Indians. Every year since FY 1967, Congress has included funds ($321,000 in FY 1967) in the IHS budget for a clinic in Rapid City, South Dakota. In FY 1972, Congress appropriated $150,000 for a study of the health needs of Indians in Minneapolis. In FY 1973, Congress added funds for special projects in Seattle, Oklahoma City, and various California cities. In FY 1974, another $500,000 was appropriated for projects in urban area.[24]

IHS and Child Welfare

Of the various IHS programs providing "comprehensive health care services" to Native Americans on reservations and in Oklahoma and Alaska, the programs which deal most directly with child welfare matters are the IHS medical social workers, the IHS Mental Health Program, and the IHS Community Health Representatives (CHRs).

When IHS was separated from the BIA in 1955, it employed eight medical social workers. These workers worked primarily with tuberculosis patients and their families. The number of IHS medical social workers is now much larger, and their responsibilities are defined more broadly in the Indian Health Manual:

> The focus of social service specialists in the health field is on social factors which threaten or have affected the health of the beneficiary population, the social problems created by illness, and the social, psychological, and cultural obstacles which may limit the capacity of an individual or group to make use of the clinical treatment and health supervision which are offered.[25]

The manual also states that medical social workers are the "connecting link between the Division of Indian Health, the Indian patient and his family, and the established social and health agencies in his home community."[26] Referring specifically to matters in the field of child welfare, the manual states that social workers shall:

> collaborate with agencies on the medical and health aspects of adoption, placement in foster homes, juvenile delinquency, mental retardation, maladjustment in the school, in the home or in the community. When close health supervision is no longer needed, primary responsibility for social services is relinquished to the collaborators.[27]

The IHS Mental Health Program was begun with a special appropriation of $100,000 in FY 1966 for a pilot demonstration program on the Pine Ridge Reservation in South Dakota. By FY 1976, this appropriation had grown to $11.5 million, and all IHS areas had some kind of mental health program. These programs are not funded as part of the regular IHS appropriation but rather as a transfer from a separate account. According to a recent national study of IHS mental health programs, there are major differences among the eight IHS areas in such key respects as the involvement of Indian people in IHS mental health programs and the tendency to lean towards the psychiatric model or towards the community mental health model of providing services.[28] All areas provide outpatient mental health services. There are inpatient mental health programs at two IHS hospitals (Gallup, New Mexico and Anchorage, Alaska). IHS purchases inpatient care from state institutions in seventeen states. IHS also operates a Model Dormitory Program at the BIA Toyei Boarding School on the Navajo Reservation, trains some traditional Indian practitioners in orthodox psychiatric and community mental health practices, and supports a small number of residential treatment programs. With respect to child welfare, it is significant that child abandonment is identified as a major mental health problem in a number of IHS documents.[29]

The organization of the mental health and social service programs within IHS is complex. Since mental health programs are funded separately and are managed from Albuquerque rather than from the IHS headquarters in Rockville, Maryland, they may enjoy a measure of autonomy within the IHS structure. At both the area and service unit levels, mental health programs are sometimes combined with medical social services and sometimes organized separately.

The Community Health Representative program is the largest IHS program contracted to tribes. It provides for Indian and Alaska Native people, selected and supervised by tribes and trained by IHS, to act as liaisons between their communities and existing health resources. These persons provide a wide range of services, including health education, outreach, first aid, transportation, and community development.

Caseloads

Six of the eight IHS area offices responded to the mail survey, and five completed a question about services provided (Anchorage, Phoenix, Albuquerque, Portland, and Aberdeen).

All five area offices reported that their involvement in child welfare services consists primarily of referring cases to the BIA or the state/county social service system. Numbers of referrals were provided only by the Albuquerque and Aberdeen offices (see table 2-7). The Alaska and Phoenix area offices reported that they did become more directly involved in arranging foster care placements for children who were undergoing medical treatment at IHS facilities. Phoenix reported this activity "occasionally," while Alaska reported handling about three hundred cases per year.

Indian Involvement

A 1974 study documented the small number of Indians employed in the more senior positions in the Indian Health Service. For example, 88 percent of all IHS employees at GS 1-GS 5 were Indians, but only 4.5 percent of all IHS employees at GS 13-GS 15 were Indians.[30] For example, one IHS area office employs an Indian as chief of the Social Services-Mental Health Branch, and one area office employs no Indians on a professional level in the Social Services-Mental Health Branch. Data on Indian staff were not provided by the four other area offices that responded to the mail survey.

There are two major channels for tribal involvement in IHS programs: (1) tribal operation of programs and (2) participation in Indian Health Boards. About a dozen tribes are planning or operating a tribal health care service with funding from IHS. In addition, most tribes employ Community Health Representatives (CHRs), who are trained by IHS to act as liaison between health facilities and tribal members and to provide basic health services, including first aid, home nursing, and health education.

Indian health boards at the national, area, and service unit levels provide for Indian participation on an advisory basis. The service unit boards are agencies of tribal governments. The area Indian health boards are composed of representatives of service units within the areas, and the National Indian Health Board consists of representatives of area IHS offices.

TABLE 2-7

INDIAN HEALTH SERVICE REFERRALS TO STATE OR BIA FOR CHILD WELFARE SERVICES

	Aberdeen Area	Albuquerque Area
Adoption Service	26	2
Day Care Service	4	3
Day Treatment Service	None	None
Foster Family Care	105	3
Group Home Service	None	None
Homemaker Service	438	14
Institutional Care for Children	12	6
Residential Treatment	None	None
Protective Service	None	19
Emergency Services	None	None
Social Services for Children in Their Own Homes	212	90
Social Services for Unmarried Parents	79	32
Child Abuse and Neglect Services	107	n.a. *
Abortion Counseling	21	n.a.
Services for Children with Learning Difficulty	36	n.a.
Mental Retardation Services	34	n.a.
Services for Children with School Problems	102	n.a.

*n.a. = no answer

NOTE: Caseload statistics were not provided by other area offices.

REGIONAL AND NATIONAL INDIAN ORGANIZATIONS AND INTERTRIBAL COUNCILS

Mail questionnaires were sent to thirty-four regional and national Indian organizations and intertribal councils selected by Indian staff on the research team. Criteria for selection included both the goal of selecting a sample of a wide range of types of organizations as well as possible involvement in child welfare or, related matters. The effort was regarded as an exploratory attempt to determine some of the parameters and variations in the roles of such groups in Indian child welfare. The primary thrust of the data-gathering effort was to determine the role of these groups in the planning, funding, control, and provision of child welfare services. Neither Indian centers nor individual tribal councils were included in this component of the research, since field site visits to Indian centers and individual tribal councils are reported in chapter 3.

Completed mail questionnaires were returned by fifteen organizations and groups, including three national Indian advocacy organizations, two Indian professional associations, two Indian technical assistance groups, two organizations of Indians in nonreservation areas, and six state or regional intertribal councils. National Indian advocacy organizations, Indian professional associations, and Indian technical assistance groups included the American Indian Higher Education Consortium, the Association of American Indian Physicians, the Coalition of Indian Controlled School Boards, the National American Indian Court Judges Association, the National Congress of American Indians, the Native American Rights Fund, Inc., and the Native American Technical Assistance Corporation. The Central Maine Indian Association and the Cook Inlet Native Association were two Indian organizations in nonreservation areas which responded. Finally, responses were received from state and regional intertribal associations, including the All Indian Pueblo Council, the Great Lakes Intertribal Council, Inc., the Idaho Intertribal Policy Board, Inc., the Inter-Tribal Council of Nevada, the Small Tribes Organization of Western Washington, and United Southeastern Tribes, Inc.

National Indian Advocacy Organizations, Technical Assistance Groups, and Professional Associations

Below is a brief description of the major purpose of each of the seven national Indian advocacy organizations, technical assistance groups, and professional associations responding to the mail survey. The descriptions are based on data provided by the respondents; funding sources are also included when they were provided.

American Indian Higher Education Consortium. The purpose of this organization is to strengthen the development of its member institutions (ten Indian-controlled community colleges on Indian reservations in five states) through a variety of technical assistance services related to "research and data, accreditation, curriculum development, financial and institutional resources, and human resources development."* Secondarily the consortium works to further the concept of community-based postsecondary educational programs for Indian people. The consortium is funded through Title III of the Higher Education Act.

Association of American Indian Physicians. The purpose of this organization was described as "serving as a forum for the interchange of ideas and information of mutual interest between physicians of Indian descent" and as a vehicle working to increase the number of Indian physicians. It was also stated that another function of the organization is to make recommendations to governmental and other agencies and organizations regarding the health of Indians and Alaska Natives. A number of funding sources (including ONAP and the PHS) within DHEW were listed.

Coalition of Indian Controlled School Boards. The coalition, reported to be composed of 162 member organizations, describes its purpose as "working for Indian control of schools." Funding sources are reported to include grants, contracts, foundation support, and donations.

National American Indian Court Judges Association. The purpose of this association is described as improvement of the Indian court system through a program of continuing education and research. Financial support for the association comes from the Bureau of Indian Affairs and the Law Enforcement Assistance Administration (LEAA).

National Congress of American Indians (NCAI). This national advocacy organization was described as "primarily a lobbying organization that seeks to monitor legislation and federal and state policies so as to protect Indian rights." Membership is composed of one hundred tribes and approximately fifteen hundred Indian individuals. Funding sources are listed as membership dues, subscriptions to the NCAI newsletter, grants from ONAP (DHEW) and the Office of Indian Education (BIA), and contributions.

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*Quotations which follow, except where numbered, refer to responses on the mail questionnaires.

Native American Rights Fund, Inc. (NARF). The purpose of this organization was described as the provision of legal services to Indian tribes, organizations, and individuals "in matters of major significance to Indian people." NARF also operates the National Indian Law Library. Funding sources were listed as private foundation grants (70 percent), government contracts and grants (25 percent), and individual contributions (5 percent).

Native American Technical Assistance Corporation. The purpose of this group was described as the provision of "consulting services in all aspects of management." Funding sources are federal, tribal, and private contracts.

None of the seven respondents in this group were involved in the direct delivery of child welfare services. Further, all seven of these organizations reported they did not have any staff persons specifically assigned to child welfare matters. One--the National Congress of American Indians--has a special committee whose function is to focus on child welfare and other social service concerns; the remaining six reported they did not have such a special board, committee, or division. The National American Indian Court Judges Association responded affirmatively when asked about monies within the organization specifically allocated to child welfare concerns. With funding provided by the BIA Branch of Social Services, this organization is now in its second year of conducting a national program of workshops for tribal court judges on family law and child welfare. The program also includes the development of a handbook for tribal court judges on family law and child welfare.

Despite the general absence of special committees, boards, divisions, staffing, and specifically allocated monies for child welfare-related concerns, three of the respondents reported their organizations were involved in child welfare-related matters in other ways.

The National Congress of American Indians passed resolutions in 1974 and 1975 which enumerated policy guidelines and programmatic recommendations for Indian child welfare services in some detail. Among these resolutions, for example, were the following: the formation of a national Indian desk within

DHEW; the amendment of the Social Security Act to allow for direct funding to tribes for social services in addition to BIA funding to tribes; the placement of Indian children in Indian foster and adoptive homes; and formation of a national Indian child-placing agency.[31]

The Native American Rights Fund reported serving as legal representative to "tribes and Indian individuals in adoption matters where tribal sovereignty was threatened." This organization also reported serving in an advisory capacity to tribes in the development of tribal juvenile codes.

The Native American Technical Assistance Corporation reported coordinating the Head Start Supplemental Training and Child Development Associates programs for sixty-eight Indian Head Start Programs.

The remaining three respondent organizations in the national group reported no specific involvements or concerns in Indian child welfare or child welfare-related matters per se. Both the American Indian Higher Education Consortium and the Coalition of Indian Controlled School Boards are concerned with Indian children and youth, but with an exclusively educational focus. The data provided by the Association of American Indian Physicians indicated no involvement or special concerns with child welfare-related matters.*

The survey included a question which asked whether the organization or group planned new directions or activities in child welfare-related concerns in the future. Two of the seven respondents in this group did not answer the question, and four indicated they did not plan any new activities in this area. Only the National Congress of American Indians replied affirmatively, and their proposed activities focused on research, such as assessing the capability of tribes to deliver social services and examining the impact of Title XX on Indian tribes.

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*It should be noted that some of the organizations which received questionnaires but did not respond are known to be active in child welfare-related matters. Among those known to be most active, for example, are the North American Indian Women's Association, which recently conducted a national study of out-of-home care for Indian children and youth, and the National Tribal Chairmen's Association, which sponsors the National Center for American Indian and Alaskan Native Mental Health Research and Development.

State and Regional Intertribal Associations and Indian Organizations in Off- or Nonreservation Areas

The two responding Indian organizations in off- or nonreservation areas include an Indian-controlled private agency which serves off-reservation Indians in Maine (the Central Maine Indian Association) and an Alaskan regional governing body established under the Alaska Native Claims Act to serve Alaska Natives in the Cook Inlet region, including Anchorage and outlying villages (the Cook Inlet Native Association).

The membership of the responding intertribal councils was composed in three instances (Idaho, Nevada, and Washington) of tribes within a single state; in the other three instances the membership was drawn from tribes in a two- to five-state area (All Indian Pueblo Council: New Mexico and Colorado; Great Lakes Intertribal Council, Inc.: Wisconsin and Michigan; United [illegible]theastern Tribes, Inc.: New York, North Carolina, Mi[illegible]ppi, Louisiana, and Florida). The purposes of the [illegible]bal councils included multitribal service provision [illegible]tribal association for the purpose of attaining grea[illegible]out in speaking for the needs and interests of reserv[illegible]n Indians in the member tribes.

Funding for these eight organizations and intertribal councils was reported to come from a variety of sources. Primary funding was received from federal agencies. The Departments of Labor, Commerce, Interior, and Health, Education, and Welfare were the most frequently mentioned supporters. Other funding sources mentioned were states, private foundations, and other private sources (e.g., the American Friends Service Committee and United Methodist Church).

All of the responding organizations and intertribal councils indicated a concern with child welfare services, although the extent of current activity in that area varied widely. Three of the respondents in this group are already providing a range of child welfare services. The Cook Inlet Native Association is perhaps the most active, with a program of family counseling, day care, and boarding home services, and a child abuse and neglect project funded by the Office of Child Development. Bureau of Indian Affairs social services contracts with both the All Indian Pueblo Council and the Inter-Tribal Council of Nevada support social services staff, who provide direct child welfare services to residents of the member tribal groups (reservations) of these two organizations.

Each of these three organizations is also active in related human services areas such as education, health, and manpower. For example, the All Indian Pueblo Council is conducting a speech and hearing demonstration project and also a "child find survey" of handicapped Indian children who live in the member pueblos. The Cook Inlet Native Association operates a Native Assistance Center and an employment assistance program. And the Inter-Tribal Council of Nevada also reported operating Head Start programs, youth recreation programs, and an alcohol and drug education program that works with children and youth as well as adults.

The remaining five organizations each reported administering multiple human service programs although their current activity has not extended to provision of the traditionally designated child welfare services. Examples of such programs include education, health, drug abuse and alcohol prevention and education, legal services, housing, economic development, employment and manpower, and transportation. Two of the five organizations indicated plans to pursue projects in child abuse and neglect. The Small Tribes of Western Washington had developed a proposal and submitted it to the Office of Child Development, DHEW for funding consideration, and United Southeastern Tribes indicated they were in the "development stages" of a child abuse and neglect program with the National Center for Comprehensive Emergency Services for Children. The Great Lakes Intertribal Council reported plans to move into services for delinquent and predelinquent youth, including "alternative living" projects and a counseling program for runaways. The Central Maine Indian Association reported it was currently drafting a five-year plan for the organization, which included in the first year the formation of a special committee within the organization to deal with child welfare concerns and to develop child welfare programs. Priority service areas were reported to be foster care and emergency shelter care. And, finally, the Idaho Intertribal Policy Board, while not discussing specific service needs or plans, reported the intention of becoming involved in child welfare concerns as the staff of the board increases.

As with the national organizations, the respondents discussed here should be considered as exemplifying the types of possible involvements rather than a complete listing of such efforts. For example, at least two of the intertribal councils which did not return their questionnaires are currently involved in working with state and federal officials regarding tribal involvement in Title XX (the Inter-Tribal Council of Arizona and United Tribes of North Dakota).

PRIVATE SOCIAL SERVICE AGENCIES

In the U.S., private agencies led in the development of institutions and foster home care services for children. As early as 1729 an orphanage was established within the Ursuline Convent in New Orleans for children whose parents were killed by Natchez Indians. However, until 1853, most services available for children consisted of indenture, institutional care, and outdoor relief. Foster home care was initiated through the Children's Aid Society in New York under Charles Loring Brace in 1853. Other private agencies, which followed the New York Children's Aid Society, were for the most part privately financed and often organized around religious bodies.[32]

Thus, early private sector services to Indians often started with a religious orientation and usually involved education as a part of missionary efforts. In the mid-1800s, BIA agencies were assigned to religious groups which were allowed to nominate the agents in order to reform abuses by previous agents. This system was abandoned in the 1880s.

Educational efforts on the part of private sectarian and nonsectarian groups continued, and a few mission schools still exist on some reservations. Over the years these groups have become involved in the provision of child welfare-related services to Indians, usually as extensions of their "home mission" activities.

Mail questionnaires were sent to forty-six private agencies located in states with large Indian populations. Information available prior to the survey indicated that Lutheran Social Services, Catholic Charities, and Latter-day Saints (L.D.S.) Social Services were the most frequent deliverers of social services to Indian people among private agencies. Of the forty-six questionnaires, twenty were sent to Catholic agencies, fourteen to Lutheran agencies, and two to Jewish family service agencies. The remaining ten questionnaires were sent to nonsectarian family and/or children's agencies. Despite a personal visit to L.D.S. headquarters to explain the mail survey, the L.D.S. program declined to respond.

The response rate was in line with the emphasis on Lutheran and Catholic service deliverers, in that seven Lutheran and seven Catholic agencies, generally located in states with a high percentage of Indians, answered the questionnaire. These agencies were located in Washington, Montana, Minnesota, Wyoming, Oregon, Michigan, Illinois, New York, New Mexico, South Dakota, and North Dakota. However, there were no responses from agencies located in Arizona or Oklahoma, the two states with the largest Indian populations, although some private agencies in Arizona were participants in our field study.

Six of the agency respondents reported that their areas of service delivery included the entire states in which they were located. The rest delivered services in large areas of the states where they were located, ranging from a service area of six counties in one case to nineteen counties in another.

Indian Involvement in Agency Structures

There were no monies specifically allocated for programs for Indians, nor were there special staff persons who dealt with Indian people at any of the agencies reporting. Only two of the sixteen agencies reported that they had Indian staff. One agency located in Minneapolis has one branch manager and two neighborhood workers who are Indian, and the other agency reported an Indian fiscal officer. One agency reported formalized training for staff members concerning Indian child welfare matters. This agency was located in Minneapolis (Lutheran Social Service of Minnesota) and reported that adoption staff attended a workshop conducted by the Native American Family and Children's Service of Minneapolis.*

Avenues for Indian Input

Avenues for Indian input into policies/programs of agencies other than through board or staff participation were reported as being available by the majority of respondents (eleven of the sixteen). However, most of these responses revealed that the ways for Indians to have input were usually through open eligibility to serve on boards, or through membership in church bodies. Only four respondents indicated that Indians could participate through formalized Indian-oriented structures such as: a branch office located in an Indian urban neighborhood, a tribal organization, an Indian Archdiocese Council (Catholic), and an Office of Indian Concerns (Lutheran). Only three agencies (located in Washington, Minnesota, and North Dakota) reported policies and procedures specific to services provided to Indians. All three indicated policies relative to placement of Indian children with Indian families whenever possible. One agency located in Washington indicated that this policy was in line with the new Washington Administrative Code which emphasizes placement of children with parents of similar backgrounds. Indian input into the policies and procedures of agencies through board participation was reported by four of the sixteen respondents; three of them had one Indian board member, and one agency had two Indian board members (Minneapolis).

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*Other activities of the Native American Family and Children's Service are described in chapter 4.

Child Welfare Services Provided by Private Agencies

Most of the agencies reported that they provide a range of traditional social services relating to child welfare. The exception was an agency providing only residential care. The fifteen other agencies were licensed child-placing agencies and provide foster care, adoptions, and social services to unmarried parents. Half of these provide social services to children in their own homes, whereas six of the sixteen provide group home care and residential care. Only three agencies reported providing emergency services.

Information was requested on numbers of Indian children receiving service in 1974, or estimates of percentages of Indian children in each service category. Four agencies reported that no Indian children were provided services in 1974 and two did not provide any statistical information. Of the remaining ten, all reported very small percentages of Indian children in service categories, usually under 5 percent. There were two exceptions: one agency reported that 13 percent (four out of thirty) of adoptions were of Indian children, while another indicated about 50 percent of day care services were for Indian children.

When asked about agency involvement in a subsidized adoption program for Indian children, three of the sixteen agencies stated that they have agreements with the states in which they are located (Washington, Oregon, and Minnesota) whereby children needing this service are referred to the state, which assumes the subsidy payments. One of the three agencies reported no Indian children placed in 1974, one placed two Indian children, and one agency reported placement of fifteen Indian children (Minnesota). In these cases placements were arranged by the agencies, with subsidies provided by the states. None of these children were placed with Indian families.

Formal and Informal Agreements with other Agencies

Only two of the sixteen agencies reported formal agreements with other service providers or with Indian organizations concerning services to Indians. One agency provides consultation services to an Indian group home and has agreements with the BIA and the state for placement of Indian children at youth development centers. The other, located in Washington, has certain regulations for Indian cases as outlined in the Washington Administrative Code. These regulations are applicable to all licensed private agencies in the state.

Seven of the sixteen agencies reported informal working relationships with other agencies. These include other child-serving agencies in the community and church organizations. Three respondents mentioned informal arrangements with Indian organizations, including an Indian-run child abuse project, Native American centers, and the Native American Family and Children's Service. One agency reported consultative services to a tribe and to an Indian youth development center in its area. Another mentioned the BIA as a resource in cases needing assistance in tribal enrollment procedures and the IHS as a resource for specialized medical help.

Contact with Tribal Officials

Only three agencies reported contacts with tribal courts. These contacts were made in cases involving relinquishment of parental rights and/or the verification of tribal enrollment. One agency indicated that it contacts other tribal officials when an Indian child is to be placed.

Changes in Agency Policies and Procedures

Only four agencies responded that they felt changes were needed in their own agency policies regarding services to Indians. The types of desirable changes mentioned included the specific need for closer ties with Indian communities in their areas, the need for agency support of existing Indian or tribally run social service programs, and the need for an expansion of services to include counseling and services to unmarried parents for Indian people in their areas. One agency saw the expansion of services for Indians as impossible because of funding problems within its own agency structure. Another stated that any changes in agency structure regarding Indians would mean that completely new policies would have to be developed because no such policies existed at that time. This agency commented: "We are presently not aware of the special needs of Indian children in our geographic service area. If we were able to secure information on needs of Indian children we would be in a position to consider specific policies."

SUMMARY

Although the evidence suggests strongly that Indians are overrepresented in the caseloads of state child welfare agencies, the overall picture is not one of special attention and care by most states to the special problems of Indian child welfare. Several states take the position that equal treatment means the same treatment for all persons. Few states, if any, have developed comprehensive policy positions on Indian child welfare. However, Indians are involved, at least on a limited basis, on the staffs and advisory structures of most of the state agencies which responded to our survey.

The Social and Rehabilitation Service (DHEW) has taken a clear position that states must find ways to provide social services to all persons, including reservation Indians, even in the face of jurisdictional difficulties. Recently SRS raised the issue of whether special licensing standards may be necessary for Indian foster homes and day care facilities, but neither individual states nor the federal government have yet begun to draft such special standards.

Since the evidence provided by the mail survey of state institutions is incomplete, it only suggests preliminary conclusions. However, the data that do exist suggest that state institutions have smaller "caseloads" than state child welfare divisions. The evidence also suggests that most state institutions have few or no Indian staff members and no special programs for Indian residents of state institutions. Tribal court orders are recognized by only a minority of states.

Although any generalization must be regarded as strictly tentative, the data from state institutions suggest even less awareness of the special needs of Indian children and less activity toward meeting these needs than is the case for state child welfare agencies.

The most active agencies in the field of Indian child welfare are state or county social service departments, state institutions, and the Bureau of Indian Affairs. The Indian Health

Service is also involved in some child welfare matters. Although BIA boarding schools are educational institutions, our survey indicated that they are, in fact, an important part of the child welfare service system. Many intertribal councils and regional and national Indian organizations (as well as tribal governments) are also becoming involved in child welfare matters. On the other hand, very few non-Indian private organizations are involved in Indian child welfare. The responsibilities and policies of each type of agency, together with the findings of CSRD's mail surveys, are presented below.

On the basis of data provided by the sixteen BIA boarding schools which responded to our survey, it seems clear that boarding schools are extensively used as resources for children with emotional or family problems but that the schools generally lack adequate resources to provide services to such students.

A very high percentage of students at these schools (averaging 67 percent) were referred there for social reasons, that is, for behavioral and family problems. But counseling and social work staffs are so limited at these schools that it is unlikely that much in-depth counseling can be accomplished. Services of mental health centers or of IHS mental health personnel are used by most schools, but they are not available on a full-time basis. Four of the sixteen schools report no special programs for students with behavioral and emotional problems. Programs at most of the remaining schools appeared to be either not specifically focused on these problems (such as recreation programs) or limited to specific problems such as alcohol abuse or dropping out of school.

When asked about changes that they felt should be made in policies or procedures regarding child welfare services, six boarding schools responded that they saw no need for changes. This finding is somewhat surprising in the light of the gaps in social services at boarding schools documented not only in this study but in many others.[33] Nine respondents suggested changes, mostly in the areas of improved staffing or facilities.

In Oklahoma, Alaska, and on most federally recognized reservations, the Bureau of Indian Affairs provides a variety of child welfare services. Generally, the BIA provides foster care services (through contracts with state institutions and private or tribal facilities), institutional care, and residential treatment. The BIA cannot take custody of children and thus can play only a limited role in adoptions. The BIA does not provide day care services. Within this general pattern, there are significant variations from state to state and from area office to area office.

The primary responsibility of the Indian Health Service is to provide comprehensive health care services for reservation Indians. The IHS mental health and social service programs, which are organizationally combined in some but not all service units and area offices, become involved in such child welfare matters as adoptions, foster care (especially for children receiving medical treatment), and children with special needs. However, for the most part, IHS refers these cases to the BIA or to state/county agencies, which are primarily responsible for providing child welfare services.

The data presented in this chapter suggest that regional and national Indian organizations are becoming increasingly active in child welfare matters. Six of the fifteen organizations responding to our mail survey reported current involvement in child welfare matters, six reported current plans for such involvement, and only three reported no intent to enter this area. (Of the three indicating no potential involvement, two are quite active in the closely related field of Indian education.)

The range of potential or actual involvement by these organizations varies widely, from research and advocacy (the National Congress of American Indians), to training for tribal personnel (the National American Indian Tribal Court Judges Association and the Native American Technical Assistance Corporation), to the direct provision of services (the Central Maine Indian Association, the Cook Inlet Native Association, and several intertribal councils).

The majority of the sixteen private agencies which responded to our survey do not participate actively in service provision to Indian children and their families. None have Indian professional staff, and only four indicated Indian involvement in agency structure through board participation. Despite this lack of active involvement in Indian child welfare, some agencies in urban areas or states with especially large Indian populations indicated a greater awareness of Indian needs and support for the concept of Indian-run programs.

However, generally because caseloads of Indian children are so low in most agencies and these agencies are isolated from Indian communities or Indian leadership, there is a lack of awareness of special needs of Native Americans or any impetus to change policies that would affect Indian people.

Chapter 3

CHILD WELFARE SERVICES FOR INDIANS AND ALASKA NATIVES AT NINETEEN FIELD RESEARCH SITES

This chapter reports the findings of field research at nineteen sites, and household surveys at two sites, representing a variety of Indian and Alaska Native communities. Table 3-1 shows certain basic information about the sites, such as their location, legal status, and tribe(s).

Among the nineteen sites were eleven sites at ten federal reservations, including two sites at the Navajo Reservation. Two of the federal reservations are under state criminal and civil jurisdiction pursuant to PL 280. One of the federal reservation sites, the Menominee Reservation, was terminated in the 1950s and is now in the process of restoration as a federal reservation receiving federal services.

Also included were two sites at state reservations, both of the Passamaquoddy tribes in Maine. For over one hundred years the Passamaquoddy tribes have been state reservations. As a result of recent litigation, the federal government has been held responsible for the protection of Passamaquoddy tribal lands even though the tribes have never been officially recognized by treaty or act of Congress. As of this writing, the extent of tribal power is neither clear nor definite. Up until the present, state jurisdiction has been in force and BIA and IHS services have not been provided.

One field research site was a terminated tribe in Oregon. Since termination in the 1950s, the tribe has had no recognized tribal government and no reservation and has received no services from the BIA and the IHS.

Two of the sites are in special-status nonreservation areas where Indian or Alaska Native residents are nevertheless eligible for at least some BIA and IHS services.

Finally, four urban sites were included in the study. In Chicago the Uptown neighborhood, an area with a relatively high concentration of Indian families, was studied. In the three other cities, since Indians are more dispersed, the Indian people and the children's services provided to them in the entire cities were the foci of study. A variety of tribes are represented at each of these urban sites. In the sections that follow each of these four urban sites is discussed separately.

TABLE 3-1

FIELD RESEARCH SITES

Site/Reservation	State
Federal Reservation under PL 280 (state jurisdiction)	
1. Leech Lake Reservation	Minnesota
2. Makah Reservation	Washington
Federal Reservations not under PL 280 (federal/tribal jurisdiction)	
3. Choctaw Reservation	Mississippi
4. Crow Reservation	Montana
5. Gila River Indian Community	Arizona
6. Menominee Reservation (in process of restoration)	Wisconsin
7. Navajo Nation--Ramah Community	New Mexico
8. Navajo Nation--Window Rock Chapter	Arizona
9. Turtle Mountain Reservation	North Dakota
10. Zuni Pueblo	New Mexico
State Reservations	
11. Indian Township (Passamaquoddy Tribe)	Maine
12. Pleasant Point Reservation (Passamaquoddy Tribe)	Maine
Terminated Tribe	
13. Klamath	Oregon
Nonurban Areas	
14. Clinton-Hammon area	Oklahoma
15. Kotzebue	Alaska
Urban Areas	
1. Uptown neighborhood--Chicago	Illinois
2. Phoenix	Arizona
3. Rapid City	South Dakota
4. Seattle	Washington
Household Interviews	
1. Fort Berthold Reservation	North Dakota
2. Uptown neighborhood--Chicago	Illinois

At each field research site, project staff attempted to interview all service-providing agencies, including state or county welfare office officials, BIA social services staff, IHS mental health or social services staff, tribal social services staff, officials from private agencies, Indian center officials, day care program officials, and group home personnel. When present at the sites legal services programs staff, state or county juvenile courts personnel, tribal courts personnel, county or city police, tribal police, and tribal council members were also interviewed. Of the agencies approached for interviews, over 90 percent agreed to participate.

The two household survey sites were the Fort Berthold Reservation and the Uptown section of Chicago. At both of these sites interviews were conducted with a sample of household members who identified themselves as having a primary care-taking responsibility for children in their households.

The most significant problem with the interview data was the lack of complete and reliable caseload statistics. Many agencies reported caseload data in a format different from the one used on the interview forms. Many respondents were not able to provide full caseload data. Several agencies, particularly state/county offices, explained that computer systems were not functioning properly and that no data were available. Other agencies promised to forward data after completion of the interview, but many of these failed to do so, even after receiving a follow-up telephone call. A few agencies insisted that separate statistics about Indians were not kept, and some simply refused to provide caseload data.

Compounding the problem at a few sites were major differences in perspective among the different service providers about exactly which services they and other agencies were providing. The discussion that follows describes the patterns of service provision at the nineteen sites in as much detail as the data permit.

PART 1

CHILD WELFARE SERVICE PROVIDERS AND SERVICES AT RESERVATION AND OTHER NONURBAN SITES

SERVICE PROVIDERS AT RESERVATION AND OTHER NONURBAN SITES

This part describes the principal social service providers who were engaged in activities relating to child welfare at the fifteen reservation and other nonurban field sites, as well as the services provided at these sites. The service providers included were: county or multicounty offices; BIA agency offices; IHS facilities; Indian tribal or Alaska Native social service program offices; and private agencies. Table 3-2 displays the service providers interviewed at each of the sites.

State/County Service Providers

The eighteen respondents in this category were personnel at state/county offices serving reservations and other nonurban sites. Services provided by county offices are usually delivered to those clients who reside within specific county boundaries. However, reservation boundaries often are not the same as county lines and, as a result, services are sometimes provided on reservations by more than one county office. Of the twelve reservation sites included, three received services from two different county offices (Crow, Leech Lake, Menominee). In one of the nonreservation areas (Clinton-Hammon, Oklahoma) two county agencies served clients residing in their specific jurisdictions, while at Kotzebue, Alaska, the area served was a large district including numerous Alaska Native villages.

At the Indian Township and Pleasant Point reservations, Passamaquoddy Indians can receive services from both the county agency and from the Maine Department of Indian Affairs, which was created in 1965 to provide services to those Indian tribes which had treaties with the state and which resided on reservations. (While the Department of Indian Affairs is not included in the tabulations of data throughout this section, as it is not part of a usual state/county service delivery system, a brief description of its organization and activities follow.) The office which serves the Passamaquoddy reservations is located between the two

TABLE 3-2

SERVICE PROVIDERS AT THE RESERVATION AND OTHER NONURBAN SITES

Sites	BIA Agencies	IHS/PHS	State/County	Tribal/Indian Programs	Private
FEDERAL RESERVATIONS					
Choctaw	Choctaw Agency	Service Unit	Neshoba County	Choctaw Health Department	
Crow	Crow Agency	Service Unit	Yellowstone County Big Horn County		L.D.S. (Mormon) Program
Gila River	Gila River Agency	Service Unit	Pinal and Gila Counties	Gila River Indian Community Child Protection Agency	
Leech Lake		PHS Indian Hospital	Beltrami County Cass County	Minnesota Chippewa Tribal Social Services	
Makah	Port Angeles Agency Office	Service Unit	Clallum County Jefferson County	Makah HEW Program	
Menominee			Menominee County State Dept., Div. of Family Services	Menominee Tribal Social Services	
Ramah	Ramah Navajo Agency	Service Unit	McKinley County	Navajo Tribal Social Services	
Turtle Mountain	Turtle Mountain	Service Unit	Rollette County		
Window Rock	Ft. Defiance Agency	Service Unit	Apache County	Navajo Tribal Social Services	L.D.S. Program St. Michael's
Zuni		Service Unit	McKinley County	Zuni Tribal Social Services	
STATE RESERVATIONS					
Indian Township			Washington County Maine Dept. of Indian Affairs		
Pleasant Point			Washington County Maine Dept. of Indian Affairs	Tribal Social Service Program	
TERMINATED TRIBE					
Klamath			Klamath County Lake County	Organization of Forgotten Americans	
NONURBAN SITES					
Kotzebue	Kotzebue Agency	Service Unit	Northwest District of Alaska	Mauneluk Association	
Clinton-Hammon area	Concho Agency	Service Unit	Custer County Blaine County	Committee of Concern	

and is administered by a single staff member who is non-Indian. No formal advisory boards exist at the local level for this office. Services provided include payment of medical and hospital bills and general assistance payments for fuel and food costs. The only child welfare-related activities reported are emergency and protective services, usually in health-related cases. The respondent from the department's office indicated that they also function as an information and referral resource for tribal members needing additional services.

Services Provided by County Agencies. In this study, counties were asked to provide the following information concerning twelve service categories relating to child welfare:* whether or not they provided the service, the number of children receiving services in 1974, and the number or approximate proportion of Indian children served.

Three of the eighteen state/county service providers did not supply data, three reported providing all services listed, while nine counties reported provision of most services, the exceptions usually being in the areas of group, residential, or institutional care. The remaining respondents reported providing only limited services (Makah, Ramah, Zuni). Foster care and protective services were provided by all three of these offices. Two provided adoption and social services to unmarried parents, while only one provided emergency services. It should be noted that the county offices providing more limited child welfare services are adjacent to reservations which have their own tribal social service programs.

Only seven of the eighteen county or local offices reported percentages of Indian children in service categories. At four county offices, 90 percent to 100 percent of the child welfare-related services provided were to Indians or Alaska Natives (Turtle Mountain, Choctaw, Kotzebue, Ramah). The two county offices serving the Clinton-Hammon areas of Oklahoma reported that approximately half of the services they provided were for Indians. At Klamath county respondents mentioned a 1975 study which revealed that 19 percent of services were provided to parents of Indian heritage, while 30 percent of the children in foster care, group home care, and residential treatment were Indian.

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*Service categories include: adoption service; day care service; day treatment; foster family care; group home service; homemaker service; institutional care for children; residential treatment; protective service; emergency service; social services for children in their own homes; and social services for unmarried parents.

Accessibility of Service Providers. The accessibility of county service providers to reservation clients varies considerably among sites. Only three of the fourteen agencies serving areas which include reservations have offices on the reservations (Makah, Menominee, Leech Lake). Two have offices within a mile of reservation boundaries (Turtle Mountain, Crow). Five are located between eight and twenty miles away, while in three areas the distance between agencies and reservations is between thirty and fifty miles. At one site, the agency is located sixty-five miles from the nearest boundary line of the reservation (Window Rock). There are variations in distances between agencies and boundary lines and these distances are often considerable. The problem of accessibility is exacerbated by the fact that many reservations encompass large geographic areas, necessitating travel of much greater distances if a client does not reside near the specific boundary line. For example, it is conceivable that a client might have to travel as far as twenty to forty miles at seven of the fourteen sites; seventy to eighty miles at two sites; and at Window Rock a client might have to travel as far as one hundred miles.

In nonreservation areas, where the Indian population is scattered, it was not possible to determine distances, except at Kotzebue, where it was reported that clients might have to travel "120 air miles" to reach the district office of the state agency.

Eligibility for Services. Although no respondents indicated differences in eligibility requirements for Indian versus non-Indian clients, nine of the eighteen responding reported problems in service delivery due to mobility of Indian families. County respondents mentioned that Indian families move frequently between on-reservation and off-reservation communities. One respondent attributed mobility to the lack of employment opportunities and adequate housing on reservations.

Indian Staff at State/County Offices. The state/county providers serving reservations are, except for the office serving Gila River, relatively small offices serving rural areas and small towns. Numbers of Indian staff employed at these offices vary. Nine of the fourteen respondents serving reservation areas reported that they do not have any Indian professional social service staff. Three of the offices reported having one Indian social worker on their staffs (Zuni, Makah, Ramah). The largest number of Indian professional staff was reported by Menominee, which has eight Indian social service staff persons. (This office is located on the reservation.) At Turtle Mountain, four of the thirteen social service staff are Indians, including one Indian supervisor.

The respondents from nonreservation areas indicated that the Oklahoma county agencies have no Indians on their social service staffs, while at Kotzebue two of the six social service staff members are Alaska Natives. County agency respondents reported that at Klamath there are no Indian staff persons employed.

Avenues for Indian Input. The possible avenues for formal Indian input into county policies or procedures ran from advisory boards to county offices or state systems. Six of the respondents reported advisory boards or committees to county agencies. Four of these reported having Indians on the boards, while two respondents stated they were unaware of their boards' composition. At Menominee the advisory board is an all-Indian body. Two county offices (Gila River, Kotzebue), indicated their delivery systems have statewide advisory boards rather than local ones. The Arizona board has two Indian members. Other informal ways for Indians to provide input into county delivery systems were reported by five respondents; for example, the Maine Department of Indian Affairs was mentioned as one avenue. Other avenues mentioned included the BIA, tribal councils, and organizations representing local Indian communities.

Formal and Informal Agreements with other Agencies Regarding Services for Indians. Only one county office (Maine) indicated formal agreements between their office and other service providers. These agreements are with the County Homemaker Service and the state's Department of Mental Health. However, at four of the sites respondents mentioned contracts between their states and the BIA and/or tribal programs. Two of these (Leech Lake and Turtle Mountain) have BIA-state foster care contracts, described in chapter 1. At two sites (Ramah and Menominee) formalized agreements exist between states and tribal programs whereby states provide partial funding for tribal programs and tribes provide services.

Informal relationships or agreements were reported by eleven of the eighteen respondents. The most frequently mentioned relationships were with the BIA, IHS, and local service providers, such as police, alcoholism programs, group care facilities, and employment agencies. Eight of the eighteen reported a number of informal working relationships with Indian organizations or groups, such as IHS, BIA, tribal councils, community health representatives, Indian cultural centers, Indian education programs, and the Committee of Concern in Oklahoma.

Contacts with Tribal Officials. Although six respondents at the eight sites having tribal courts reported that they contact the courts when placement arrangements are made for tribal children, only three respondents indicated this was a matter of policy in all cases. Most reported notification only in specialized cases. However, six of the eighteen respondents did indicate that they notify other tribal officials. At the Navajo Reservation the Tribal Office of Social Services (TOSS) officials are notified. The other respondents mentioned notification of tribal council members when placement arrangements are made.

Changes in State/County Policies and Procedures Concerning Indians. Thirteen of the eighteen respondents reported that they felt changes needed to be made in their agencies' policies or procedures regarding child welfare services for Indian or Alaska Native children. Three specifically mentioned the need for Indian social service staff. Other needed changes mentioned included: staff development relative to Indian child welfare service delivery, more Indian adoptive and foster homes, and more preventive services. Problem areas in adequate service delivery which were mentioned included: the need for better communication between offices and tribal and/or BIA social services, upgrading of tribal courts, and a general need for better understanding of the cultural differences between Indian and non-Indian communities.

Bureau of Indian Affairs Agencies

The BIA provides services at some, but not all, of the non-urban sites included in this study. The bureau has local agency offices at seven of the nine federally recognized reservation sites and at the two nonreservation sites. Six other sites (Leech Lake, Klamath, Menominee, Pleasant Point, Indian Township, and Zuni) do not have BIA agencies.

However, two of these (Leech Lake and Zuni) have tribal social service programs funded by BIA through contracts with the tribes. The Klamath Indian community does not receive services due to its terminated status, and the Menominee Reservation is in the process of reestablishing relationships with the federal government following some twenty years of termination. The Passamaquoddy tribes have not been federally recognized and have been under state jurisdiction; therefore, BIA services have not been provided on the Pleasant Point and Indian Township reservations located in Maine.

Child Welfare Services Provided by BIA Agencies. Seven of the nine agencies responded to the question requesting information as to whether or not they provide child welfare services in the twelve service categories. Of these seven agencies, five were able to furnish caseload data, although at times the figures provided were only estimates.

The seven agencies reported different patterns of service delivery with widely varying ranges of child welfare activities. None of the respondents stated that they provide all of the services listed. Four of the seven reported that they provide approximately half of the services, while three indicated provision of only three of the services.

Foster care, adoption, protective services, emergency services, and services involving residential and institutional care were provided by four of the seven agencies. Five agencies, the largest number supplying any one of the services, provide social services to unmarried parents. Homemaker services were reported by two of the agencies, while group home services are provided by only one of the BIA respondents. No agency stated that it included day care or day treatment as part of its service provision.

Of those five agencies reporting caseload data, agency responses indicated small numbers of cases for most services. Two exceptions were eighty cases of unmarried parents and 132 cases of institutional care at Window Rock. Data from other agencies indicated that the largest caseloads were more often in the areas of services to unmarried parents, institutional care, and emergency services.

Accessibility of Service Providers. Of the seven BIA agencies providing direct social services on reservations included in the study, all have offices on the reservations. However, because of the varied size of the reservations, clients often have to travel considerable distances to receive services, sometimes as much as one hundred miles. While this was the longest distance that a reservation client would have to travel, the average distance was approximately twenty to forty miles. Examples of agencies faced with the distance problems are the Concho agency in Oklahoma, which services a vast ten-county area, and Kotzebue, which serves a large region in northwestern Alaska.

Eligibility for Services. In determining the eligibility of clients for services, all agencies serving reservations indicated that reservation residents who are members of federally recognized tribes may receive services. In nonreservation areas, those eligible for services must be one-quarter Indian and reside in the geographical area served by the BIA agency. In some areas, agencies also reported providing services to those tribal members residing in areas adjacent to reservations. Three of the nine agencies mentioned that general assistance is provided for these persons. One respondent agency indicated that services can also be provided for those tribal members who are temporarily residing off the reservation.

Indian Social Service Staff. All of the BIA agencies except Kotzebue reported Indian or Alaska Native social services staff, but the number varied from one Indian professional staff member at one site to nine at another. The Concho agency in Oklahoma indicated that it had three Indian social workers on its staff. The "social services staff" function includes the responsibility for carrying out the general social service programs of the BIA. Although the job responsibility often includes child welfare cases, at only one site was there a designated child welfare specialist.

Avenues for Indian Input. Although no formal policy-making or advisory boards exist within the BIA structure, informal Indian input into the policies and programs of BIA agencies was reported by five of the nine agencies. Channels used included tribal HEW committees, tribal councils, and tribal charter organizations.

Formal and Informal Agreements with Other Agencies Regarding Child Welfare Services. None of the agencies indicated formal agreements or contracts with other agencies concerning child welfare services since such contracts are made at the area level. However, seven of the nine agencies indicated informal working relationships with such service providers as private agencies, county welfare departments, mental health clinics, and juvenile courts. Five agencies specified informal agreements with Indian agencies or organizations, such as Indian centers in off-reservation communities close to the reservations, tribal authorities, such as tribal council members, tribal judges, probation officers, and representatives of tribally run programs (particularly group care facilities and tribally run social service programs). One respondent indicated a "working relationship" with the BIA law enforcement agency on the reservation.

Contacts with Tribal Officials. All agencies located in an area with tribal courts reported working relationships with them. Most of these working arrangements involved child welfare cases with questions of custody and placement. In some situations, the BIA does investigate work for the tribal court in these cases. Responsibilities in cases involving neglect and abuse were often shared by the BIA and tribal courts. Only one agency reported contacts with tribal courts in every case involving placement considerations.

Changes in BIA Agency Policies and Procedures Concerning Child Welfare Services. Respondents mentioned the need for more staff, more trained child welfare workers, and facilities for juveniles on reservations, particularly foster homes. Several respondents also indicated the need for better communication patterns between state service providers in their areas and the BIA agency. One agency stressed the need for clarification of state and BIA roles in determining who was responsible for providing services. Another mentioned that more tribal involvement in the agency would improve working conditions.

Indian Health Service Facilities

IHS facilities were located on nine reservation sites and at the two nonreservation sites in Oklahoma and Alaska. There are no IHS facilities at four of the nonurban sites (Menominee, Klamath, Pleasant Point, Indian Township). The Pleasant Point and Indian Township reservations receive payment for medical services through the Maine Department of Indian Affairs. On the Menominee Reservation there are no IHS facilities, but the tribe has a contract with IHS from which approximately $127 thousand has been provided for tribal medical care. The administration of these funds is the responsibility of the tribe; medical care is purchased from off-reservation medical sources. The Klamath Tribe has not received IHS services since its termination in the 1950s.

Child Welfare Services Provided by IHS Facilities. Most of the IHS facilities were service units at which directors or members of social service or mental health staffs were interviewed regarding service delivery patterns for Indian or Alaska Native children. Although the primary role of

IHS is clearly medically related, all facilities included in the study reported a number of child welfare-related services provided by social service or mental health staff. While the range of these services varied considerably among facilities, a number of services were common to each. Services to unmarried parents (eight of eleven respondents) and emergency services (eight of eleven respondents) were mentioned most frequently. Four of the respondents reported providing day treatment, adoptive services, and involvement in institutional and residential treatment, while five facilities were reported to be engaged in activities related to protective services. Only two of the eleven respondents indicated an involvement in the provision of foster care.

All IHS respondents indicated that any enrolled Indian or Alaska Native is eligible for services at their facilities. One respondent mentioned that non-Indians are provided services in emergencies.

Accessibility of Services Provided. At reservation sites, all facilities were located on the reservation at service units. The social service/mental health personnel were located in social service units of hospitals or at mental health clinics. One facility was a general medical clinic with no social service personnel. Reservation residents had to travel considerable distances to receive IHS services--the maximum distance varied from ninety miles at one reservation to twelve miles at another. At five of the reservations, clients could conceivably travel between forty-five and sixty miles to receive services from the service unit.

In the nonreservation areas, the service unit in Oklahoma serves a sixteen-county area with smaller field clinics operating in areas with the greatest concentrations of Indians. In Alaska, the service unit which includes Kotzebue is responsible for service provision in an area encompassing approximately 36,000 square miles. Health aides are located in the remote villages and have radio contact with the service unit. Here, a person needing IHS services might have to travel as much as 120 air miles to reach the main service unit.

Indian Social Service or Mental Health Staff. Social work and mental health staff persons are located at seven of the nine reservation IHS facilities. Of these, four have Indian professional/paraprofessional staff: three reservations have two such staff persons, and one reservation has one Indian employed as a professional worker. In Oklahoma the one social worker is non-Indian, while at Kotzebue there are no Alaska Native social service staff members.

Avenues for Indian Input. Tribal health boards, composed of tribal members serving in an advisory capacity to service units, exist at six of nine reservation IHS facilities. At one reservation there are no advisory boards for the IHS facility. Another is in the process of establishing a board, and the final reservation reported a maternal and child health board with a predominantly non-Indian membership. The majority of respondents indicated that these boards are the only formalized routes for Indian input into IHS policies and programs, although two respondents mentioned that relationships with tribal councils serve as avenues for additional informal input. Both IHS service units in the nonreservation areas have all-Indian advisory boards.

Although all IHS respondents reported that they do not have staff persons specifically designated as outreach workers, several mentioned community health representatives (CHRs) in this capacity. (CHRs are indigenous paraprofessionals employed by the IHS.) Although outreach roles are not the sole responsibility of CHRs, most of them perform job functions that include some outreach-related responsibilities.

Formal and Informal Agreements with other Agencies Regarding Child Welfare Services. IHS involvement with other agencies concerning Indian child welfare services is primarily informal. Only two respondents mentioned formal agreements. One of these was between the IHS facility and the court system pertaining to adoptions and the other was a contract between IHS and BIA for residential treatment of a tribal child in a facility out of state. Informal working relationships exist between IHS and a number of other agencies and organizations. The most frequently mentioned agreements were with the BIA. Seven of the eleven respondents mentioned working relationships with the BIA based on referral patterns for cases needing additional social services or boarding school care. IHS respondents also reported a number of informal relationships with tribal governments, tribal courts, tribal social services, Indian organizations, and Indian centers, as well as with state and county agencies. Private resources, such as Jewish Family and Children's Service of Phoenix and the Mormon Church, were mentioned by two respondents.

Contacts with Tribal Officials. Relationships between IHS facilities and tribal authorities at the nine reservations were confined to agreements with tribal courts at half of the sites. These contacts often related to child neglect and abuse cases. At two sites consultative services involving psychiatric evaluations and counseling were offered by IHS personnel to tribal courts; recommendations were made to the courts regarding placement planning for children who had come to their attention.

Changes in IHS Policies and Procedures Concerning Child Welfare Services. Of the eleven IHS respondents, six indicated a need for changes within their own agencies or facilities. Most of these commented that in the area of child welfare services there was a need for more funding to be directed into such specialized services as children's treatment centers, receiving homes, and specialized day care. A need for more money for staff training for child welfare service delivery was mentioned by two respondents. Concern was expressed for an increased capability in dealing with protective services, particularly in neglect and abuse cases, as well as the need for better working relationships with BIA social services in dealing with such cases.

Tribal Social Services

Indians and Alaska Natives are increasingly interested in the development of methods of dealing with social problems within their own tribal or native community structures. In general, the focusing of tribal and other native resources on child welfare-related matters began only within the past few years and is now spreading widely. Thus, for example, tribal and other native organization respondents at each of the fifteen nonurban sites visited indicated the presence of some mechanism for tribal and/or other native organization impact on varying aspects of child welfare services.

The level of involvement, extent of control, and relationship to direct service provision vary widely among the fifteen field sites.* Respondents at three of the sites stated there is no tribal social service agency involved in child welfare matters. However, two of the three tribes (Crow and Turtle Mountain) do have a tribal mechanism for dealing with child welfare concerns. For example, at Crow the tribal council has a health, education, and welfare committee, one of whose stated functions is to deal with tribal child welfare matters. And at Turtle Mountain, while there is no health and welfare committee as part of the tribal council, there is a tribal juvenile commission which is part of the council structure. The concern of this commission is with juvenile delinquency treatment and prevention. In addition, the tribe operates a juvenile probation department and a group home for predelinquent tribal youth.

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*The Cheyenne-Arapahoe Tribe, located in the Clinton-Hammon area in Oklahoma, has, up to now, not developed a social service program. However, the tribe is now in the process of developing tribally operated programs, such as an alcoholism and drug abuse program for youth funded by the National Institute for Alcohol Abuse and Alcoholism (NIAAA), and an education program funded by Title IV of the Indian Education Act.

Child Welfare Services Provided by Tribal/Indian-Run Programs. At each of the other twelve reservation and the two non-reservation sites, respondents reported the existence of a tribal program or other Indian agency active in child welfare or other social services. At four sites (Kotzebue, Klamath, Pleasant Point, and Menominee) these agencies are in the early stages of planning and developing their social service/child welfare activities. At these sites the only child welfare services currently being provided appear to be referral, advocacy, and counseling.

At three sites there are Indian-run nonprofit organizations which provide social services as components of their programs (Mauneluk Association, Organization of Forgotten Americans [OFA], The Committee of Concern). The Mauneluk Association is a corporation organized in 1975 for the Northwest Alaska Native Association (NANA), the region of Alaska which includes the Kotzebue site. The corporation is still in the developmental stages, but it plans to provide human services for members of this region. These plans include a community mental health division to be developed in 1976 to provide counseling, advocacy for social services, and referral. The Organization of Forgotten Americans was formed about three years ago to provide organizational direction for the terminated Klamath Tribe. As part of their program some child welfare-related services are being developed and coordinated. OFA has helped to organize a child care center, to recruit Indian foster parents, and there are plans to establish a group home. The Committee of Concern receives funding from the Oklahoma Crime Commission to provide referral services for Indian youth who come in contact with law enforcement agencies in a four-county area which includes the Clinton-Hammon site.

Those programs which have been in operation longer tend to provide a broader range of services. For example, the Navajo and Zuni tribal programs include the following child welfare services: day care, group care, protective services, emergency services, and social services to unmarried parents. At Gila River, the tribal Child Protection Agency reported that it works with the tribal court in cases involving placement, does home studies, and makes recommendations to the court. This agency also provides counseling to parents and children. At Makah, the child welfare activities of the tribal HEW program include Head Start, day care, foster care, and protective and emergency services. As part of this program, the Makah Child Development Center functions as a support agency in the prevention of child abuse and neglect, providing counseling to clients, parent education, crisis intervention, and referrals to other social service agencies. At Choctaw, a child abuse and neglect program under the Choctaw Health Department provides protective services, emergency services, foster care, and counseling to parents and children. At Leech Lake, the Minnesota Chippewa Tribal Social Services Program focuses on child welfare-related services such as foster care, recruitment of foster homes, adoption services, and casework with children and families.

Funding of Tribal Programs. The problem of limited resources, particularly as it relates to funding and staff recruitment, has been a barrier to the development of tribal and native programs. The programs studied received funding from a number of different agencies. Some tribes or Indian organizations have a combination of funding sources, while others received all their support from a single source. All programs received at least partial support from federal funds. Although it is unclear exactly how many programs receive state funds, three sites reported some state funding for their programs. Three of the eleven programs (Leech Lake, Menominee, Zuni) are administered and funded through BIA contracts with the tribes.

The Navajo Tribe had a contract with the state of New Mexico which provided Title XX funds for their social service program with tribal provision of matching monies. In Arizona Title XX funds have been utilized by TOSS. However, this arrangement is now being renegotiated. These contracts will be discussed further in chapter 5. The Office of Native American Programs (ONAP) provides funding for programs at both Gila River and Makah. Makah also received funds from the Children's Bureau of the Office of Child Development (OCD) for its child abuse and neglect demonstration project. The Pleasant Point Reservation recently received funding for tribal programs, including social services, through Title X of the Economic Development Administration. At Kotzebue, the Mauneluk Association receives funding from eleven different sources, including DHEW, Department of the Interior, and the state of Alaska. A planned community mental health program will be at least partially supported with state funds. The Choctaw Health Department receives funding from IHS, OCD, and the National Institute for Alcohol Abuse and Alcoholism. The Child Abuse Demonstration Project at Choctaw is funded by OCD. The Organization of Forgotten Americans (OFA) is funded by a number of agencies, including ONAP, DHEW, BIA, CETA, and the state of Oregon. State funds through the Oklahoma Crime Commission now support the Committee of Concern.

Eligibility for Services. Tribal program services are usually limited to enrolled tribal members. However, residency requirements for such services appear to be flexible. Five of the eight programs on reservation sites reported that services are also provided to tribal members who reside outside of but near reservation boundaries or who return to the reservation for services. The HEW program at Makah was the only tribal program which reported service delivery to non-Indians as well as to Indians.

Half of the program respondents indicated problems in delivering services because of the mobility of Indian families. Difficulties in obtaining official records and housing problems on reservations which force families to move off of reservations were mentioned. At the Navajo Reservation the mobility factor is further complicated by the fact that the reservation site lies within the boundaries of three states, each having different eligibility requirements for services. The tribal program must work with these states in determining plans for service delivery.

Staff Composition. The staff size of tribal service programs varies considerably among reservations. TOSS, with two hundred employees, had the largest number of personnel. The HEW program at Makah had a staff of thirty-two persons, while most other programs had between one and five staff members. Staff size does not always appear to relate to population size. For example, at the Pleasant Point Reservation, where there are approximately three hundred tribal residents, an eleven-man team is providing social services. At all sites most of the personnel are Indian. Of all the programs surveyed only Makah had staff who specialized in child welfare service delivery. The hiring of more qualified staff and additional staff development were mentioned as specific goals by a number of tribal social service respondents.

Input into Tribal Programs. Input and direction for tribal programs usually come from within existing tribal structures. Eight of the eleven programs reported advisory boards composed of Indians or Alaska Natives. Only at Zuni was there no formal advisory committee. However, the Zuni tribal council has an informal input into the program. Some boards are composed of representatives of tribes, or, in the case of

Kotzebue, there are representatives of villages which the programs serve. At Menominee, the Tribal Health Board serves in an advisory capacity to the tribal social service program. Other reservations reported that the tribal councils serve as formal advisory boards for social service programs.

Relationships with Other Agencies Regarding Child Welfare Services. The relationships between tribal programs and other service providers in their locale concerning child welfare were reported by the majority of respondents as being primarily of an informal nature. These relationships were usually with state and county social services offices. Informal relationships between tribal programs and IHS or public health services were also mentioned by three respondents. The only formal agreements, reported by TOSS, are with the BIA and states serving the reservation sites.

Changes in Tribal/Indian-Run Programs. As part of the study, respondents were asked to identify what changes they would like to see in their programs and/or other mechanisms for dealing with child welfare concerns. At both sites where tribes had neither social service programs nor health and welfare committees within the tribal governmental structures (Turtle Mountain and Indian Township) tribal respondents remarked on the need to develop a mechanism such as a health and welfare committee within the tribal council structure as a first step. Obtaining funding was most frequently mentioned as a needed change by respondents whose tribes or other Indian organizations had set up agency structures concerned with social services but which were still engaged in planning for services rather than in the direct delivery of those services. The majority of respondents at sites where a tribal or other Indian agency was already providing some child welfare services reported that priorities were for more staff training and hiring of more qualified staff members.

Several tribes mentioned that proving themselves as capable and legitimate agencies to tribal bodies was difficult, particularly in the early stages of development. Another related problem was the difficulty in establishing credibility in the eyes of funding agencies in such matters as accountability, record keeping, and the setting up of regular procedures for service delivery.

Plans for future growth included an increase in the scope of service delivery and the development of better procedures for accomplishing increased delivery. One frequently mentioned area of concern was the development of foster and adoptive homes within the community as well as a methodology for establishing standards for licensing child care facilities and foster homes on reservations.

Private Agencies

In our study, we attempted to identify private agencies which provide services to Indians or Alaska Natives at the reservation and other nonurban sites. Only four agencies were brought to our attention. These included L.D.S. (Mormon) programs at two sites (Navajo, Crow), St. Michael's Association for Special Education, Inc. (Navajo), and Oklahomans for Indian Opportunity (OIO) (Clinton-Hammon site).

St. Michael's offers a wide range of classes for 109 mentally handicapped persons from ages one to twenty on the Navajo Reservation. It includes a day school program and a residential program, and although most children are from the reservation, services are open to all.

The program is funded by the State Department of Education, BIA Social Services, ONAP, Title IV of the Indian Education Act, and private donations. All staff members are Indian, and the staff includes one Indian social worker, who provides counseling, referral services, and home visits to parents of those in care.

There are agreements, usually as to referral patterns, with a number of other agencies, including public schools, BIA, IHS, residential treatment programs, and BIA boarding schools.

The L.D.S. Social Service Program on the Navajo Reservation has two offices on the reservation, and the office at Chinle, Arizona, which is a licensed child-placing agency, was included in the field survey.

This office provides a number of services relating to child welfare, including adoption and foster care services, emergency services, and services to unmarried parents. The program also includes student foster placement activities. Statistics provided for FY 1974 indicate that six children from the reservation were placed in foster homes, two were provided with adoption services, and two thousand were placed under the student foster placement program.

Services are administered by a staff of four persons, all of whom work in child welfare and one of whom is Indian. There are no Indians in advisory or policy-making positions in the program, and the only other avenues for Indian input are the church structures.

The only relationships reported with other agencies are with the BIA, which is contacted when additional services are needed. IHS and TOSS are considered as referral resources in certain cases.

The L.D.S. program also has an office on the Crow Reservation. Services provided include student foster placement and recreational activities. In FY 1974, fifteen students were placed out of state. A staff of three Indian people administers the program, while input occurs through formalized church bodies, on which no Indians serve. There are no agreements or relationships with other agencies regarding service provision.

OIO, a private Indian organization which provides multi-services for Oklahoma Indians, has a number of centers throughout the state, including a facility in the Clinton-Hammon site area. This center serves a two-county area and has a social services staff of three persons, two of whom are Indian. OIO, funded by ONAP, does not provide direct social services but serves an information and referral resource function for Indians in the area. One of its stated purposes is to assure Indian people that they can get needed services from existing agencies. In the past year approximately seven hundred Indian people were served by the center.

Another service offered to Indians in the area is information exchange between service providers, such as BIA, county agencies, and IHS. This exchange occurs through seminars designed to enlighten agencies as to Indian problems as well as to provide information to Indians on available community resources. A recreational center is also run by OIO for Indian youth in the area.

SERVICES AT RESERVATION AND OTHER NONURBAN SITES

This section of chapter 3 discusses the patterns of service delivery by service area for the fifteen reservation and other nonurban sites. The areas presented are foster care, adoption, protective services, emergency services, day care, homemaker services, services to children with special needs, and the child-related services of health, school-supportive services, and recreation. For each service the discussion will focus on which agencies are providing the service at the sites, special provisions which may be utilized for Indian children, and problems and general comments of respondents.

Foster Care

Service Providers. Foster care services are usually provided primarily by the county welfare department or by BIA, although tribal social service agencies sometimes assist BIA and in one case (Zuni) have taken over BIA-provided services completely. At Choctaw all staff members of BIA social services, except the director, are Choctaws.

The county is the major foster care provider for the two PL 280 sites, the two state reservations, the terminated tribe, and Alaska and Oklahoma. The BIA is the major provider on the reservation for the remaining eight sites, with four exceptions: (1) at Turtle Mountain the county welfare office is staffed largely by Indians and provides many services on the reservation, including foster care, in conjunction with BIA; (2) at Zuni foster placements are extremely rare due to the strength of the extended family, and children who need formal placement are put in a small, on-reservation group home by the tribal social services agency; (3) at Choctaw the county and BIA both provide foster care services on the reservation; and (4) since the Menominee Tribe was terminated and has only recently been restored, the county is continuing to provide services until the tribal social services organization is prepared to take them over.

Even at sites where the BIA provides foster care services for on-reservation residents, nearby counties provide this service for off-reservation tribal members. They also may provide services for on-reservation residents who come to their offices requesting services. In such cases there may be contact between the county welfare department and the BIA, although such communication is generally felt to be inadequate if it exists at all (exceptions are Choctaw and Turtle Mountain).

Tribal social services personnel are involved in providing foster family care at Zuni, Makah, Leech Lake, Gila River, and Window Rock. The most common areas of involvement are casework with families before and after placement; recommendations about placements made in conjunction with the county or BIA; and recruitment of Indian foster families. Tribal social services generally do not gain temporary custody or make placements, with the exception of Zuni (which makes all placements) and the Makah Child Development Center (which makes occasional placements).

Tribal courts are active in making foster placements at six of the federal reservation sites not in PL 280 states, but at Crow, respondents stated that because the tribal code has no section on juveniles, the tribal court cannot enforce placement. Although Makah is in a PL 280 state, tribal officials reported that they eventually hope to gain jurisdiction over child welfare matters. At Menominee, the tribal court will exercise jurisdiction over child welfare matters once the process of restoration has been completed.

Placements by county welfare departments involve state courts--except at Turtle Mountain, which uses the tribal court; at Choctaw, where placements by the county are sometimes made through the tribal court; and at Ramah, where all foster placements go through the tribal court. The county probation department was mentioned at Leech Lake as aiding in court petitions and placement decisions. At Klamath the juvenile department of the Klamath Falls Police Department participates in petitioning the court for temporary custody, and local police are usually involved only in making referrals to appropriate agencies.

With one exception, private agencies were not mentioned as being important foster care providers. The Latter-day Saints student placement program, which places Indian children with church families for purposes of education, reports that two thousand Navajo children were placed under this program in 1974. (The L.D.S. student placement program is described in detail in chapter 4.)

Licensing or approving foster family homes is accomplished primarily by county welfare departments in all sites, except at seven of the federal reservations located in non-PL 280 states. (Menominee is the only federal reservation where the county does license or approve foster homes.) At four of the reservation sites (Ramah, Crow, Window Rock, Gila River) BIA approves foster family homes; at two reservation sites (Turtle Mountain and Choctaw) this responsibility is shared by BIA and the county; and at the seventh reservation site (Zuni) there are no formally designated foster family homes. Where the county does not license foster homes on the reservation, no on-reservation placements are made by the county.

Special Provisions. Only three of the nine county welfare departments involved in foster care provision for Indian children indicated they apply special standards in licensing Indian foster homes (Makah, Menominee, Kotzebue). Where present, these special standards generally involve relaxation of qualifications for physical requirements of the home.

An additional county department (Klamath) did not mention special standards but does follow a special procedure, using an Indian volunteer to participate in home studies. At one site where special standards are not used (Turtle Mountain), the tribal council also must approve foster homes.

The BIA Manual specifies that state standards should be followed in approving foster homes, although the local Indian lifestyle should be considered and physical standards should be of only secondary importance.[1] At only one of the five sites where BIA is a major foster care provider are special standards used in approving foster homes (Window Rock).

Respondents were also asked about the desirability of applying special standards in licensing Indian foster homes. Of fifty-one respondents at the fifteen reservation and other nonurban sites, thirty-eight stated that such a special provision would be desirable, and thirteen stated that it would not be. The thirteen negative responses were from seven county departments of social services, three BIA agencies, one IHS agency, one tribal social or health services agency, and one Indian center located in a nearby city.

With regard to recruitment of Indian parents for foster and/or adoptive homes, six of the nine county respondents providing foster care at the sites stated that some special effort was being made to recruit Indian families. At four sites this is done in conjunction with a tribal person or agency: at Makah the Makah Child Development Center (a tribal organization) actively recruits, and the county welfare department has one Indian caseworker who participates in this effort; at Leech Lake the staff person for the Minnesota Chippewa Tribes project is involved in recruitment; at the Klamath site a special grant to the county funds expenses for volunteers through the Organization of Forgotten Americans to recruit foster families and to assist in home studies; and at Menominee recruitment is done by the counties and by the American Indian Child Placement Development Project, a nonprofit corporation located in Wisconsin. At Pleasant Point a tribal person not identified as being in any official position is doing some recruitment but apparently without a formal arrangement with the county, which does very little recruiting on its own. At a sixth site, Choctaw, the county works through the BIA and tribe to find Indian foster homes.

BIA foster care providers appear to be more frequently but less actively involved in recruitment of Indian foster parents. At one site where BIA is present it was reported that BIA makes no recruitment efforts; the rest of the sites indicated that some recruitment is done as the staff has time for it and as the need for a foster home arises. At Window Rock, the Tribal Office of Social Services also does some recruitment.

Respondents were questioned as to whether or not they believed it would be desirable to make efforts to recruit Indian foster parents. Of fifty respondents, forty-nine said yes.

Respondents were also asked whether or not AFDC-FC payments are made to relatives. This is an issue that has arisen with regard to Indian foster care because relatives are so often used for foster placements. Relatives might already be eligible for regular AFDC, but AFDC-FC payments are higher. At nearly all sites the response was that AFDC-FC payments are not made to relatives caring for children. Two county departments of welfare (Turtle Mountain and Menominee) stated that such payments are made _if_ the relatives qualify as licensed and supervised foster parents. At Window Rock the BIA stated that such payments are made (by the state) _if_ the placement in the home was made by BIA.

Respondents were then asked if they thought the practice of giving AFDC-FC payments to relatives would be desirable. Of fifty respondents at the fifteen reservation and other nonurban sites, forty-four said yes, four said no (all county departments of social services), and two did not know.

Many tribes are concerned that their children are placed without their knowledge or approval. Respondents were asked if they contact the tribal court and/or tribal officials when making placements. Only three of the eight counties at sites having tribal courts reported that they contact the tribal court when making placements of tribal children. Tribal officials (usually either the tribal council, the tribal chairman, or the tribal social services office) are contacted by five of the eighteen county departments of welfare.

With regard to the desirability of notifying tribal courts when making child placements, thirty-nine of forty-five respondents said it would be desirable, as opposed to five who felt it would not be and one who did not know. Respondents were also asked about notifying tribal officials. Thirty-eight of fifty respondents said it would be desirable, ten that it would not be, and two did not know.

Problems and General Comments. According to respondents, the most common problem with foster care services is the lack of sufficient numbers of Indian foster homes. Several reasons were given for the lack of homes. First, many Indian homes cannot meet the physical standards for licensing. This is why relaxation of these standards has become an issue. However, as noted above, only three of the eight county welfare departments who are major foster care providers at the sites stated that they apply special standards in licensing Indian homes. Other reasons given for the lack of Indian foster homes included: some Indian families only want to provide foster homes for children whose families they know; Indian families resist getting involved with the bureaucracy; and families are reluctant to apply because of limited finances.

A second major problem mentioned by respondents is the lack of counseling and casework services, especially prior to removal of the child from the home. These services are also felt to be inadequate during placement with both the foster and natural parents, and after return of the child to the home. The major reason cited for this problem is lack of staff.

Other problems mentioned by only one or two respondents included the fact that: (1) if Indian children have their own trust funds, these are used by the state and/or county to pay for their care; (2) the children are moved around too much; (3) foster parents need more training; (4) unresolved problems exist between the state and tribe over Title XX money channels; (5) there are poor working relationships between service providers; (6) the lack of a tribal code on juvenile matters results in lack of authority to enforce placement; (7) families are reluctant to use foster care in emergencies due to fear of permanent placement; (8) cases come to the attention of service providers too late for counseling to be effective; and (9) there is a lack of foster homes for teenagers.

A comment about foster care made by respondents at most sites was that much foster placement occurs very informally, often with friends or relatives. This is a continuation of the traditional Indian lifestyle in which children were the responsibility of the extended family, clan, or the entire tribe. It is noted that many times the children or their families find their own foster homes. Sometimes BIA may be involved on reservations in locating friends or relatives for informal placements. At several sites this practice is so prevalent that formalized foster care placements rarely occur. The major problem noted with this practice is that the foster parents have difficulty receiving payment for the care they provide.

Adoption

Service Providers. The major portion of adoptive services are provided by the county departments of social services at eight of the sites. A state-level department of social services also provides adoptive services at one of these eight sites (Menominee) and at Klamath.

At four sites (Window Rock, Gila River, Ramah, and Choctaw) the BIA indicates it provides supportive functions in the adoption process. At Window Rock, Gila River, and Ramah placements are actually made by the tribal court, and BIA is involved in the social services relating to the adoption process, but not in making placements. At Ramah, the state is also involved in providing adoptive services, again working through the tribal court. At Choctaw all adoptions are arranged through the state court, although there is a tribal court. The Choctaw Tribal Code currently has no provisions regarding adoptions, although the tribe is studying the feasibility of establishing an adoption agency as an arm of tribal government. The Zuni tribal social service program does not perform adoptions, reporting that the adoptive procedure is not culturally acceptable to the tribe. However, one recent adoption did take place at Zuni and was handled by the county.

At Crow, the very few adoptions which do occur are arranged by private agencies, and the county is mainly involved in casework with unwed parents and referrals to appropriate agencies for services. The BIA is only involved when requested by the county. A new state law makes it mandatory for all adoptions to be investigated by the state welfare department and to go through the state courts (the Crow Tribal Court has never exercised jurisdiction over adoptions).

Even at sites where adoptions are primarily handled by county agencies, BIA may play some role. In one case (Makah) BIA is the mechanism through which children are enrolled in the tribe prior to adoption; in another (Turtle Mountain) BIA provides subsidy payments to some adoptive families; at two other sites (Oklahoma and Alaska) BIA does some casework with unwed parents, and at one of these (Alaska) BIA also assists with recruitment and home studies.

The Indian Health Service reported participating in casework to unwed parents at six sites. Private agencies also provide a small portion of adoptive services at a number of sites. The most noteworthy of these is the Indian Adoption Program in Phoenix, which is run by the Jewish Family and Children's Service. This project is funded by the BIA Navajo Area

Office to place Indian children in Indian homes, and BIA agency offices in that area refer children to the project when they cannot be placed on the reservation. (This program is described in more detail in chapter 4.)

Tribal social service agencies are involved in adoption at several sites (Window Rock, Makah, Leech Lake), primarily by assisting in recruitment and home studies. Legal services agencies sometimes reported assisting low-income prospective adoptive parents in the necessary legal procedures.

Special Provisions. It is reported in the literature that many potential Indian adoptive families cannot adopt due to financial inability to support another child.[2] Since a subsidies program could aid in solving this problem, respondents were asked whether such a program existed in their agencies. Four counties (Menominee, Turtle Mountain, Makah, and Choctaw) which provide adoption services at the sites responded positively (paid for by BIA at Choctaw and Turtle Mountain); three have subsidies, but only for children with special needs; and five do not have subsidized adoption programs. Of the four sites with BIA adoption services, only Choctaw has a subsidies program.

Respondents were asked if they felt a subsidized adoption program would be desirable. Of fifty respondents at reservation and other nonurban sites, forty-one said yes, and nine said no. These nine negative responses were evenly distributed among all types of agencies.

With regard to increasing the number of Indian adoptive homes for Indian children, providers of adoptive services at the sites were asked about recruitment efforts. Counties at six of the ten sites where adoptive services are provided responded that they are making efforts, in some cases quite active efforts. At two of these six sites tribal social service personnel are also active in recruiting Indian parents (Makah Child Development Center and Minnesota Chippewa Tribes), and at one site (Alaska) BIA assists. County departments of welfare at four sites are not actively recruiting Indian adoptive parents; one respondent commented that there is no demand because there are no Indian children available for adoption.

Recruitment efforts are being made by BIA at the four sites where some adoptive services are provided. At two of these sites the counties also arrange adoptions (Ramah and Choctaw) and work through the BIA to find Indian parents. When asked about the desirability of recruiting Indian adoptive parents, forty-nine of fifty respondents stated that such recruitment is desirable.

Another issue that has been raised with regard to adoption is that Indian children may lose their inheritance rights if they are not enrolled as members of a tribe prior to adoption, since there may be serious practical problems in enrolling a child after adoption. Respondents were asked if they attempt to enroll Indian children prior to adoptive placement. Since all counties might provide adoption services to Indian children, their answers are recorded here, whether or not they are now providing these services. At the fifteen sites, eleven county departments of social services stated that they enroll children in their tribes (one of these only does so with the mother's permission). At the Alaskan and Klamath sites there are no tribal membership rolls because there are no tribes. The county department of welfare at Klamath will enroll the child in another tribe if one of the parents is from another tribe. Only two of the counties said that they do not engage in the practice of enrolling Indian children in their tribes, and they are not currently providing adoption services to Indian children. At all four of the sites where BIA provides some adoption-related services, BIA respondents indicated that they would enroll children in tribes. Respondents were also asked whether they believed it was desirable to enroll Indian children in their tribe prior to adoption. Of fifty respondents, forty-nine responded yes, and only one (a county welfare department) responded negatively.

Problems and General Comments. One problem mentioned by several respondents was the lack of Indian adoptive homes for Indian children. Reasons given for this included: lack of information about services on the part of prospective parents; lack of finances for legal fees and/or for maintaining a child; and lack of accessibility, in one case because services are not available locally but are centralized for the region.

A comment frequently made was that Indian children are very rarely placed for formal adoption. For some tribes formal adoption is not a part of the culture; less formal arrangements are made, often with friends or relatives. In these cases adoptions are often made without breaking ties to the natural parents. Another common practice is for unwed mothers to keep their babies, which are often raised by grandparents. It was also suggested that informal adoptions may be made because Indians are afraid that if their children are relinquished they will be placed with non-Indian parents and may be located away from the reservation.

These informal arrangements cause several problems from the point of view of service providers. First, they may result in legal problems regarding rights of inheritance and rights of natural parents to take a child back. Second, one respondent felt that problems can be caused by natural parents knowing where their children are. Third, difficulty in getting parents formally to relinquish a child sometimes causes children to remain in long-term foster care.

Protective Services

Service Providers. Protective services are provided primarily by county departments of social services at nine of the fifteen nonurban sites. At one of these (Menominee) the new tribal social services agency also provides some casework with families before and after removal of a child; at three of the nine, BIA and IHS reported some involvement in casework with families; at two others, IHS and tribal social services are involved in casework. At Indian Township and Pleasant Point the community health nurses make referrals and counsel in suspected child neglect or abuse cases, and the new tribal social services program at Pleasant Point has established some relationships with the Protective Services Division of the state's Department of Human Services. Petitioning the court for custody and making placements are performed by the county in all but two of these nine sites. At Turtle Mountain tribal police investigate and file petitions in the tribal court, and in Oklahoma investigation and initiation of removal are done by the district attorney's office. At one other site (Klamath) approximately one-fourth of investigation and initiation of court procedures is reportedly done by the juvenile department of the local law enforcement agency.

At the six remaining sites, protective services are provided either by BIA or tribal social services or by a combination of the two. Cases at these sites go through the tribal courts. At one of the six (Choctaw) the county also provides some protective services; both BIA and the county take cases to both the tribal court and the state court. At three of the sites it was mentioned that cases are sometimes referred to the county (one reported this is done with AFDC cases).

In general, tribal social services agencies are involved in casework with families prior to removal of a child and after placement, rather than being involved in actual removal and placement of a child. The heaviest involvement is at Zuni, where tribal social services provides the full range of protective services. The next heaviest involvement would be at the Tribal Office of Social Services at Window Rock and Ramah, which works with the BIA on the full range of protective services. Following in level of involvement would be the Makah Child Development Center, tribal social services at Menominee, the child abuse project at Choctaw, and the Minnesota Chippewa Tribes (Leech Lake), which provide casework to the families. At Gila River there is a tribal child protective agency, and at Crow there is a committee of agency representatives. Both function mainly as service brokers and advocates. A new tribal social services agency at Pleasant Point is just beginning to be involved in child protection. Tribal courts are mentioned as accepting petitions for removal of a child at five sites. At one additional site (Makah) the tribal code is being reworked so the tribal court can begin to handle child protection cases.

Problems and General Comments. The major problem mentioned by respondents was the lack of adequate protective services. In several cases the county offices which provide these services are located some distance from the reservation, which limits their accessibility. Distance is also a problem on large rural reservations and in Alaska, where it was also noted that outlying villages need indigenous aides. A lack of adequate staff to provide protective services is also a part of this problem, meaning that preventive and follow-up casework services are limited.

Another barrier to adequate service provision is the cultural difference between non-Indian social workers and Indian clients. Other respondents noted that a lack of Indian shelter and foster family resources hamper protective services. At one site, where the tribal code does not define child abuse and neglect, a lack of awareness of these problems was reported.

Emergency Services

Service Providers. County departments of welfare have major responsibility for emergency services at nine of the fifteen sites. At five other sites BIA is the major provider (assisted by tribal personnel at Gila River, Window Rock, and Ramah), and at Zuni emergency services are the responsibility of the tribal social services agency. At two of the sites where the county is the major provider (Makah and Leech Lake), tribal social services personnel also assist in providing emergency shelter. At three other county sites, the BIA is involved in providing emergency shelter at the request of the county; at Indian Township and Pleasant Point, the state Department of Indian Affairs offers emergency care through an informal system of placements with tribal members. Emergency mental health problems are handled by a mental health center at Menominee.

Other agencies provide emergency shelter at some sites. Examples include church groups, Alcoholics Anonymous, Red Cross, and the Salvation Army. IHS provides twenty-four-hour emergency services not limited to medical emergencies at several sites. Law enforcement agencies are also involved in providing twenty-four-hour services at one site (Klamath).

Problems and General Comments. The major problem is lack of adequate emergency services. No site reported that adequate twenty-four-hour emergency services are available, although a twenty-four-hour hotline is being established by the child abuse project at Choctaw. Other problems mentioned frequently included long distances to service providers and lack of emergency shelter. Adolescent and family shelters are singled out as being particularly inadequate. Several sites (Turtle Mountain, Alaska, Klamath) noted that the only facilities available for adolescents were jails. Emergency homemakers were reported to be available at only five sites, which may mean that services at other sites are inescapably biased toward removal of children from their homes.

Seven sites (Window Rock, Leech Lake, Crow, Pleasant Point, Indian Township, Alaska, and Klamath) reported that many emergency placements are made informally with neighbors or relatives, usually without the assistance of an agency.

Homemaker Services

Service Providers. Homemaker services were reportedly provided to some extent at ten of the fifteen sites. At seven of these ten they are provided by the county departments of social services; at two others (Crow and Gila River) they are provided by BIA; and at one they are provided by the Tribal Office of Social Services (Window Rock). Tribal personnel are involved along with the county in providing limited homemaker services at Menominee and Pleasant Point. Two sites mentioned that community health representatives (funded by IHS) provide this service; at one of these, homemaker services are also provided by the county, and at the other by BIA.

Problems and General Comments. Where homemaker services are provided, respondents frequently commented that they are quite limited. Two sites (Gila River and Alaska) reported that the pay is so low that it is hard to find enough people to do the work. Three sites (Leech Lake, Makah, Alaska) also reported problems of supervising homemakers from a distance (from the county office to the point of service delivery). One respondent commented that homemaker services are limited to AFDC mothers (Window Rock). In Alaska there is a problem of training homemakers because they must go to Fairbanks for a six-week course.

Day Care

Service Providers. Day care centers exist at twelve of the sites. No day care is provided at Ramah; at Turtle Mountain there are day care homes only (approved by the tribal council and the state); and at Leech Lake there is only an after-school program for elementary-school children.

Day care is the only social service which is more likely to be run by tribes than by counties or BIA, mostly due to the fact that direct funding for day care has been available for several years. Day care centers are run by tribes at seven sites (Window Rock, Zuni, Makah, Gila River, Crow, Kotzebue, Choctaw); at three sites (Menominee, Oklahoma, Klamath) day care centers are run by private agencies with the county welfare departments paying for day care for eligible recipients; and the day care center at Pleasant Point and the programs for four- to six-year-olds at Indian Township and Pleasant Point are coordinated by the Maine Indian Education Council and are funded by state Title XX funds.

Funding sources for day care centers vary. Two tribally run programs are funded by the Office of Native American Programs; two are funded by Title XX from the state (not including the Maine Indian Education Council); one (Kotzebue) is funded by RURALCAP of Anchorage; and one is funded by Title IV of the Indian Education Act. It is common for tribes to also contribute to day care funding. The privately run centers are usually funded by Title XX.

Because many Indian children are left with relatives during the day, a question arises over whether day care payments (such as AFDC and Work Incentive [WIN]) can be made to relatives. Nine sites reported that day care payments can be made to relatives, three said that they cannot, two did not know, and one site reported no day care. Four of the "yes" answers were qualified, since at three sites relatives are paid only if they are licensed day care providers, and at the other site they are paid only if one or both parents are in the hospital. Respondents were asked if they felt day care payments to relatives were desirable. Of forty-nine respondents at the fifteen sites, forty-three replied that they are desirable, four that they are not, and two that they did not know.

Special Programs. Two of the sites reported that their day care centers have special staff for children with special needs (Gila River and Choctaw). Another program has a parent-educator funded by CETA who goes to Indian homes as part of a program for preschoolers. At two sites programs for four- to six-year-olds have been designed to provide a full range of developmental activities in six areas--cognitive, gross and fine motor development, and social, emotional, and creative development. Several of the programs have outreach workers for Indian families.

Problems and General Comments. The major problem noted by respondents is the lack of day care facilities, particularly in remote areas. The factor of long distances from Indian homes to facilities is also cited as a barrier to accessibility. In addition, the high cost of day care is mentioned as limiting the availability of this service to many Indian families. Several respondents noted that day care programs are limited to families with very low incomes or who are receiving public assistance, thus preventing working parents from using the service. A third major problem for the day care programs is funding. Several tribally run programs are embroiled in controversies with the states over Title XX funds, and the tribes may lose the programs as these funds are restricted or cut off. Most day care programs lack counseling staff. Casework services are often provided instead by the county, BIA, IHS, or tribal social service programs.

Group Homes

There are group homes at seven of the fifteen sites (Choctaw, Turtle Mountain, Window Rock, Leech Lake, Gila River, Zuni, and Menominee). Gila River has two group homes. Four of the eight homes provide emergency temporary shelter, their programs being basically custodial in nature. Two of the homes for predelinquents referred by social services or juvenile court (Menominee and Turtle Mountain) provide some counseling in addition to a structured living situation. The other two are residential treatment programs for delinquent boys ages ten to eighteen sent by the court in lieu of sentencing to state juvenile institutions (Choctaw and Leech Lake). The youth at all eight homes attend regular public schools.

Funding sources vary. Three group homes are funded entirely by BIA (two at Gila River and one at Zuni); at Window Rock BIA pays for the programs and a church group provides the facility; four group homes (Choctaw, Turtle Mountain, Leech

Lake, Menominee) are funded by state agencies (three are corrections departments, and one is a social services department). At two of the three homes funded by state corrections agencies (Choctaw and Turtle Mountain), BIA pays a monthly fee per child. At Choctaw the tribe also contributes to the group home, which is primarily funded by the state corrections department, although the state funding actually originates with the Federal Law Enforcement Assistance Administration (LEAA).

All of the homes are small, and most do not have highly trained counseling staff. Most commonly the houseparents and guidance counselor (if present) have paraprofessional training. Three of the homes have trained social workers available to them, two have them on their staffs, one has a social worker available from the county social services agency, and a fourth has a psychologist come in one day a week.

All but one of the homes have Indian staff, who most frequently serve as houseparents and counselors. Five of the homes are run by the tribe, while two others (Laveen Indian Children's Home at Gila River and Thunderbird Ranch at Menominee) have some Indian members on their advisory boards. Hogan Hohzoni at Window Rock, which is run by a non-Indian church organization, has no Indian members on the advisory board.

All eight homes use other social services as resources. All refer to BIA, the county, or both for casework, financial assistance, and consultation about individual youths. Three refer to IHS for medical and dental care. Six use mental health facilities of IHS, the county, or the state. Two use tribal social service resources for counseling and advocacy (Hogan Hohzoni, Gila River Youth Home). Most also refer to off-reservation residential treatment facilities if absolutely necessary.

Problems and General Comments. The most obvious problem is the lack of group home facilities. Only seven of the fifteen sites have any such facilities. Even at these sites, facilities are often limited in capacity or in categories of children who will be accepted. For example, at least three of the homes are limited to boys only (Choctaw Youth Development Center, Leech Lake Youth Lodge, and Thunderbird Ranch at Menominee). Two of the homes (Choctaw and Leech Lake) are only for ten- to eighteen-year-old boys who have been adjudicated as delinquent or dependent. At these sites there are no group home facilities for younger boys, for girls, or for children who need temporary out-of-home placement due to family problems. When these three homes are eliminated from the count, the result is that only four of the fifteen sites have group homes available for children of both sexes and of all ages who need temporary placement.

Several other problems were mentioned by respondents at sites which have group homes. These included: a need for facilities to be more treatment-oriented rather than merely custodial (two sites); problems of accessibility to all areas of reservations (three sites); lack of adequate, continued casework with children and families by the placing agency; exclusion of group home staff from further placement decisions; poorly trained personnel (two sites); and funding problems (two sites).

Services to Children with Special Needs

Emotionally Disturbed. Diagnosis of emotional disturbances is generally provided by IHS or PHS at the seven sites where federal health services for Indians exist (at Choctaw the IHS program is now run by the tribe), and by county or state social services at the other eight sites. At four sites IHS and the county share this aspect of services to emotionally disturbed children. Mental health centers are used by the county for diagnostic services at two other sites. Tribal social services and tribally run group homes also provide a part of diagnostic services at five sites (including Choctaw). Finally, two sites reported that services for emotionally disturbed children are not available.

Casework for emotionally disturbed children and their families follows a similar pattern, except that BIA is involved to some extent at three sites. Tribal social services are involved in casework at one site in addition to the five where they provide diagnostic services. Private service providers were mentioned as participating in casework at three of the sites.

Treatment facilities for emotionally disturbed children at the fifteen sites are virtually nonexistent. Day treatment and group home facilities are particularly lacking. Only one site reported that there is a group home on the reservation which treats emotionally disturbed children (Turtle Mountain). One other site reported that day treatment is provided on the reservation by the tribe and the county (Menominee). Group homes are not always available off the reservation, either. Six of the sites stated that group homes are not available off the reservation, and one site had no information on their availability. Three sites stated that only institutional care is available for emotionally disturbed children from their sites (Klamath, Kotzebue, Oklahoma).

Physically Handicapped. Diagnostic services are provided by IHS or PHS at six sites and by county or state agencies at four sites. Responsibilities are shared at three sites. BIA is only mentioned at one site (Window Rock) as being involved in diagnosis (along with IHS). Private physicians perform some diagnostic services at two sites (shared with state agencies). One site (Ramah) reported that no diagnostic services are available for physically handicapped children.

Casework to physically handicapped children and their families is provided by county or state agencies at four sites and by IHS at four sites, while at four other sites responsibility for casework is shared. BIA is mentioned as providing all casework at one site (Gila River) and a portion of casework at three sites. Tribal social services provides casework to a very small extent at one site (Leech Lake) and to a greater extent at Choctaw. There are apparently no casework services for physically handicapped children at two sites (Zuni and Ramah).

Day treatment for physically handicapped children is available at five of the sites--two at special schools run by church groups (Window Rock and Zuni); one at tribally run day care centers (Gila River); and two through in-home programs provided by the county (Pleasant Point and Indian Township). Group homes for these children seem to be nonexistent. Off-reservation institutional care is available at eight sites, and at five of these it is the only treatment mode available. Three sites reported that there are no available treatment facilities for physically handicapped Indian children (Choctaw, Klamath, Ramah).

Delinquent. Unlike the social service areas previously described, delinquent youths are usually handled by tribal personnel (usually tribal police, courts, and probation officers). At Zuni, where there is a strong tribal social services program, tribal police refer to this program if they feel there is a need. At Pleasant Point some cases are referred to the tribal governor by the probation officer. In all, delinquent children are handled primarily within the tribe at nine of the sites; all nine are on reservations in non-PL 280 states. At the six sites where tribes have been terminated (including Menominee, which is being restored), placed under PL 280, or where there is no reservation, juvenile cases are usually handled by local non-Indian police, courts, and probation officers, with referrals for services made to county departments of welfare.

Group homes for delinquent children are not always available at the sites. Five of the reservations have tribally run youth homes (Turtle Mountain, Leech Lake, Gila River, Menominee, Choctaw) which will accept delinquent children. At one reservation site (Makah) placements can be made in group homes and institutions off the reservation. At Klamath the county provides group home care. At Kotzebue there are no facilities (correction facilities are located in Anchorage), and delinquents are often referred to boarding schools. In Oklahoma, availability of youth facilities varies greatly from county to county. In some locations juveniles are picked up and then released, while at others, they are placed in children's shelters or in jails. Three reservation sites (Crow, Window Rock, Zuni) reported that no juvenile facilities or special programs are available.

Special delinquency programs exist at three sites. At Turtle Mountain, a delinquency prevention commission was established in 1968 to coordinate agencies in the area of juvenile delinquency and youth services. This commission founded the tribally run group home and supports a program of law enforcement education in the schools. At Leech Lake a youth lodge serves ten- to eighteen-year-old boys from the tribe as an alternative to placement in a juvenile institution. It is operated by the Leech Lake Business Committee (the tribal government) with funding from state departments of corrections and welfare. Counseling and activities are provided by staff, and additional services are provided by the county department of social services, the local mental health center, the state juvenile institution, and IHS. At Choctaw there is a similar facility for ten- to eighteen-year-old boys adjudicated as delinquent, funded by LEAA through the state department of corrections, with BIA paying a monthly stipend per child. Treatment is provided, and youths are also referred to BIA or county social services, the local mental health center, and the tribal mental health program.

Child Welfare-Related Services

Health. Health services for young Indian children are provided primarily by IHS or PHS at nearly all of the fifteen sites (at Menominee IHS funds the tribal health board). The only three exceptions are Klamath, where the tribe has been terminated, and the two sites in Maine which in the past were not recognized as federal reservations. At these three sites, public health services are provided by county departments of health, public health nurses, and public health clinics. At Pleasant Point and Indian Township the state Department of Indian Affairs has paid for all medical services. There have also been community health nurses and screening clinics located on the reservations which have made referrals for further services to agencies outside the reservation.

Problems with health services mentioned by some respondents included: inadequate staff, resulting in long waits at the clinics; inaccessibility to rural areas; lack of local clinics and field staff; inadequate emergency services; and underutilization of preventive health care by the Indian community. In Alaska, the scattered villages do not have doctors or nurses. Public health nurses travel to the villages and PHS pays health aides in the villages who are in radio contact with doctors. There is a training program for the health aides, but one respondent commented that not all are well trained.

Recreation. Recreation programs are practically nonexistent at nearly all of the fifteen sites. The most common providers of the few existing recreation programs are the schools, and some of their programs are said to be limited to school hours. Churches were also mentioned as having recreation programs at several sites. At six sites recreation programs are run by the tribe (Crow, Gila River, Pleasant Point, Makah, Klamath, Choctaw), but respondents agreed that facilities, equipment, and staff are very inadequate. At Kotzebue a youth council has recently been formed to plan and coordinate recreation.

School-Supportive Services. One site reported that school-supportive services are nonexistent (Gila River); two others stated that the services are limited to guidance counselors who are non-Indian (Crow and Clinton-Hammon, Oklahoma); four additional sites reported that they lack adequate numbers of guidance staff (Leech Lake, Window Rock, Kotzebue, Makah); five sites mentioned that they have counselors, without commenting on adequacy (Pleasant Point, Indian Township, Choctaw, Ramah, Menominee); and at the remaining three sites guidance staffs were not mentioned.

Schools at four of the sites have Indian advocates or home-school coordinators (at two of the four [Klamath and Ramah] these positions are filled by Indians). An additional site (Kotzebue) has funds for a home-school coordinator, but the position is unfilled. Two of the advocate programs are said to be ineffective, one because it is run by the school rather than the Indian community (Menominee), and the other because the Indian advocate does not have enough power with the school administration (Klamath).

Bilingual programs were reported to exist in schools at four of the sites (Choctaw, Pleasant Point, Indian Township, Crow). Cultural awareness classes are available in schools at four sites. Alternate schools have been establishe at two of the sties where schools are not already run by the federal government specifically for Indian children (Leech Lake and Clinton-Hammon, Oklahoma).

SUMMARY

This chapter has presented findings from the field study on patterns of child welfare services provision to Indians at fifteen reservation and other nonurban sites. Areas discussed for each service have included service providers, special provisions for Indian children, and problems with the provision of each specific service.

Service Providers

In general there are four basic categories of providers of child welfare services to Indians--county departments of social services, BIA, tribal social services agencies, and private agencies. Of the eighteen state/county service providers included in the study most indicated that they provide the basic child welfare services for Indians and Alaska Natives (e.g., foster care, adoption, protective services). The service exceptions usually included group, residential, or institutional care. Some of those providers giving more limited services were located in the areas where there are active tribal social service programs. Statistics as to numbers of Indians/Alaska Native children in caseloads were difficult to obtain. Because county offices surveyed were usually located in areas where the predominant population was Indian, most services provided were to Indians in seven county offices. The accessibility of services varied between sites, with only three of the offices located on reservations. Often distances traveled in order to obtain services were substantial, involving between twenty and one hundred miles. Most of these offices are located in rural areas and have small staffs. Only five of the eighteen offices reported Indian social service staff members; most do not have such staff persons. Indian input can theoretically occur through formal advisory boards on the county level in most areas. However, only four respondents indicated actual Indian participation on these boards. Most relationships or agreements between county and other service providers concerning Indians involve the BIA, IHS, tribal social service programs, and Indian organizations. Contacts between county service providers and tribal officials are usually informal and involve placement cases. Only one respondent reported a formal policy of informing the tribal court of activities. The majority of respondents felt that changes in their policies or procedures concerning Indians were necessary and should include more Indian social service staff, staff development in the area of child welfare, more Indian adoptive and foster homes, and a need for better communication between their agencies and tribal programs and the BIA.

The BIA agencies responding to the survey indicated varying degrees of participation in child welfare-related activities with half the agencies providing a wide range of services and some providing very few. Social services to unmarried parents was mentioned as being provided most often. However, responding agencies generally reported small caseloads in each service category. The accessibility of services varied, depending on the size of the jurisdictional area, with the average distance to services being about twenty to forty miles at selected sites. Services were provided on reservations to enrolled tribal members, and in some areas to tribal members residing adjacent to the reservations. Indian input occurred informally through tribal structures. There were at least some Indian or Alaska Native social service staff at all but one of the agencies, but only one site reported a child welfare specialist. Most agencies reported informal working relationships with numerous other agencies and service providers, including a wide range of Indian and non-Indian agencies and organizations. Working relationships with tribal courts and other tribal officials, particularly in cases involving placement, were reported by all respondents. BIA respondents reported that it was desirable for changes in agency structure to include more staff for carrying out existing programs, more trained child welfare workers, and more facilities on reservations, particularly foster homes. As was true of some county respondents, BIA respondents mentioned the need for better patterns of communication between the BIA and state/county service providers.

Since the role of the Indian Health Service is to provide services in medically related cases, respondents at the IHS facilities reported a limited range of child welfare-related activities. Services to unmarried parents, emergency services, and protective services were most often reported by IHS respondents. Whereas social service and mental health staff usually were employed at the facilities, there were very few who reported Indian staff serving in these capacities. Indian input into the system occurred through formalized health boards at nearly all sites. Working relationships between IHS and tribal officials were most often based on the provision of psychiatric consultative services and recommendations for placement planning. Respondents indicated a need for better working relationships between IHS services and BIA social services, especially in protective cases. Within IHS a need was expressed for more specialized services for children, such as residential treatment centers, receiving homes, and day treatment facilities. Respondents also expressed the need for further training of employees in child welfare service delivery, particularly in areas of child abuse and neglect.

Those tribal- or Indian-run social service programs studied provide a wide variation of child welfare services and have very different staffing, organization, and funding patterns. This is due largely to the fact that most tribally run social service programs are new. Half of the programs studied were developed within the past year, and all are less than ten years old. The need for trained Indian staff and more staff development relative to child welfare was voiced by respondents. The most pressing concerns are in the areas of developing mechanisms for dealing with cases needing protective services and the recruitment and licensing of Indian foster homes.

Four private agency programs were identified as providing child welfare-related services for Indians. These included L.D.S. (Mormon) church programs at two sites, St. Michael's Association for Special Education on the Navajo Reservation, and Oklahomans for Indian Opportunity (OIO) at the Clinton-Hammon site. Services provided include adoption, foster care, emergency services, and services to unmarried parents on the Navajo Reservation and student foster placement and recreational services on the Crow Reservation. St. Michael's offers day school and residential services for children on the Navajo Reservation, while Oklahomans for Indian Opportunity serves an information and referral resource function for Indians in a number of locations throughout the state. In addition, OIO provides a recreational center for Indian youth and offers seminars to service-providing agencies on Indian problems. All agencies have Indian staff members.

Services

The patterns of service provision among the four categories of service providers vary from service to service and from site to site.

Patterns of service providers are fairly similar for two of the major child welfare services studied--foster care and adoption. The counties provide these services with little or no BIA involvement at all sites except the eight federal reservations located in non-PL 280 states. The county also provides a large part of foster care services at three of the federal reservations in non-PL 280 states, due apparently to unique local situations. Similarly, the county provides adoptive services at two of the federal reservations. Even at sites where counties are not the primary service providers on the reservation, they will serve off-reservation residents and those who come to their off-reservation offices requesting service.

At four reservation sites, BIA provides most of the adoption-related supportive services and foster care and does about half of foster care at two others (shared with the county). Tribal social service agencies provide foster care at one site (Zuni) where they have taken over BIA social services. They are also involved in foster care provision at five other sites, usually in the areas of casework with families, recruiting foster parents, and assisting the primary service providers with social studies and making placement recommendations. Tribal social services are less involved in formal adoption procedures. IHS also provides one adoptive service--casework with unwed parents.

Protective services and emergency services show a similar pattern of primary service providers, i.e., counties at nine sites and BIA or the tribe at six. However, as these services are usually felt by tribal personnel to be inadequate, tribal social services agencies are more heavily involved in protective and emergency services than they are with foster care and adoption. The areas of protective and emergency services also have the most involvement by IHS, usually consisting of twenty-four-hour emergency services at hospitals or clinics, and mental health services for families.

The service provider pattern is different for day care centers and group homes. First, not all sites have them--three have no day care centers, and eight have no group homes. Second, the tribe is the most common provider of day care centers and group homes. There are tribally run day care centers at seven sites and tribally run group homes at five. Other day care or group home facilities are run by private organizations (five day care centers and three group homes), and they usually have Indians on policy-making boards.

The patterns of service providers again change for services to emotionally disturbed and physically handicapped children. Counties are involved to about the same extent as with other services at the sites where federal health services for Indians do not exist. Where they do, IHS provides most diagnosis and casework for these children and their families. Mental health centers, private service providers, tribal social services, and BIA are also somewhat involved in diagnosis and casework at some sites.

Treatment facilities for emotionally disturbed and physically handicapped children are quite limited at the fifteen sites. Only one site has an on-reservation group home which treats emotionally disturbed children. The remainder must send the children off the reservation to group homes or institutions. Five sites reported having day treatment facilities for physically handicapped children; the rest either have institutional care available off reservation or no available treatment facilities.

Tribal personnel (police, courts, social services) are more frequently involved in handling delinquent youth than they are in the other social services. County and local officials are involved only at the two sites where tribes have been terminated (including Menominee which has been restored), the two PL 280 states, and the two nonreservation areas. The few treatment facilities which exist for delinquent youth are run by tribal organizations.

Respondents were briefly asked about child welfare-related services--health, recreation, and school supportive services. Health services are provided by PHS/IHS at eleven of the fifteen sites, by county or state departments of health at two sites, and by the state Department of Indian Affairs at two sites. Although recreation services on reservations are very limited, they are provided by schools, churches, and tribes at several sites. Most of the schools have guidance counselors; schools at four sites have Indian advocates or home-school coordinators; and several sites have bicultural or cultural awareness programs.

Respondents were asked about utilization of several special provisions or procedures they might be following in providing services to Indian children and families. In spite of the fact that both SRS and BIA policies specify that special standards may be used in licensing Indian foster care homes, only four of the fifteen sites reported that special standards are applied (one site, Zuni, has no formally designated foster homes).

Efforts to recruit Indian foster and/or adoptive homes are made at a majority of sites, but these efforts are usually fairly informal. Tribal social services personnel are nearly always involved in recruitment efforts.

AFDC-FC payments are made to relatives caring for children at only three of the fifteen sites. Day care payments to relatives are made at nine of the fourteen sites where day care is available (respondents at two sites did not know the answer to this question).

Very few county departments of social services contact tribal courts or tribal officials when making placements of Indian children: three of eight where there are tribal courts contact them; five of the total sample contact other tribal officials.

Subsidized adoption programs are available through county departments of welfare at five sites; three more have programs only for children with special needs. One of four sites where BIA provides adoption-related services stated that such a program is available.

Enrollment of Indian children in their tribes prior to adoption seems to be the special procedure which is most frequently followed. Only two of the counties do not do this, and these two are not currently providing adoptive services to Indian children.

The two major problems reported by respondents with regard to foster care are lack of sufficient numbers of Indian foster homes and lack of counseling and casework services prior to removal from the home, during placement, and after return of the child to the home. Many respondents noted that a great many foster placements occur informally with friends or relatives. Such placements are made by the family or through BIA.

Adoptive services for Indian children also suffer from a lack of Indian homes. Formal adoptions following the usual state legal procedures are alien to many Indian cultures, which have traditionally arranged adoptions with friends or relatives without breaking ties to the natural parents. Many unwed Indian mothers keep their babies. The result of these three factors is that, according to some respondents, very few formal adoptions of Indian children are completed.

Problems of inadequate staffing and facilities and inaccessibility due to distance are reported with several services, including protective services, emergency services, homemaker services, day care, and health services. Day care services are unavailable to working parents at some sites due to restrictions on the amount of income of parents using the service.

The basic problem with provision of group home facilities is that they are not available at over half the sites. Common problems of the group homes which do exist are lack of trained counselors and provision of custodial care rather than treatment.

Lack of treatment facilities at or near the sites is the major problem with services to children with special needs. This generally results in no treatment being provided or in children being sent to institutions some distance from the site. Lack of facilities for delinquent children means that problems are not dealt with or that the youths must be placed in adult correctional facilities. Referrals to boarding schools are sometimes made for delinquent youths.

PART 2

CHILD WELFARE SERVICE PROVIDERS AND SERVICES AT URBAN SITES

SERVICE PROVIDERS AT URBAN SITES

This section of part 2 describes the principal social service providers engaged in activities relating to child welfare at four urban sites. The four urban sites vary in the number and concentration of Indian residents as well as in the types of service providers available.

The Indian populations of Chicago and Seattle are very small compared to the total populations of these two cities. Indians are scattered throughout both, although there are concentrations in certain neighborhoods (the Chicago site actually was Uptown, a neighborhood on the north side). Three small reservations lie within or close to the Seattle Standard Metropolitan Statistical Area (SMSA). The Phoenix Indian community is one of the largest in the country, numbering fifteen thousand, but it still represents only about 3 percent of the total Phoenix population. It is estimated that more than twelve thousand additional Indians live on four reservations which lie within the Phoenix SMSA. Also many individuals and families move back and forth between the city and the reservation. Rapid City, South Dakota is the smallest of the four urban sites, with a total population of about forty thousand; estimates of the Indian population in Rapid City range from three thousand to ten thousand. Five reservations are located within a two hundred-mile radius of Rapid City.

Service providers at the urban sites include county departments of social services, IHS facilities, Indian centers and social service agencies, and private social service agencies. Areas covered by the analysis include services provided, funding sources, Indian staff, avenues for Indian input, agreements with other agencies, contacts with tribal officials, and recommended policy or procedural changes.

County Departments of Social Services

Services Provided. The Indian population at each urban site receives child welfare services from the county department of social services. In Chicago only the North Area Office staff was interviewed. Eligibility requirements do not distinguish between Indians and non-Indians. Each of the county agencies provides the full range of child welfare services including: adoption services and day care services (not provided in Chicago); foster family care and group homes (not provided in Phoenix); homemakers and institutional care (not provided in Seattle); residential treatment (not provided in Phoenix); protective and emergency services; social services for children in their own homes; and social services for unmarried parents.

Caseload data for Indian children were not available from two of the sites. At Seattle there were 252 Indian child welfare cases in 1974 (5 percent of the total); of these 166 were in out-of-home placements. The overall Indian caseload at the Chicago site was 85.

Only one of the urban sites (Seattle) reported having outreach workers for Indians. The Seattle agency has an Indian liaison, three community workers, and twenty outreach workers in the WIN program. The Phoenix agency has one caseworker assigned to all children placed by BIA in foster homes in the county.

Indian Involvement. There are no Indian staff members at the Chicago and Phoenix county agencies. Rapid City reported two Indians on a staff of seventeen. There are twenty-three Indian staff members at Seattle, as mentioned above.

The respondent at the Rapid City county agency reported that there is no advisory board. Of the other three sites with advisory boards, there are no Indians on the Chicago board, at Phoenix two of nine members are Indian, and at Seattle two of twenty-three are Indians. Seattle also stated that temporary Indian subcommittees are formed for specific problems which concern Indians, and these are entirely composed of Indians. There are no other avenues for Indian input into policy at the four sites.

Agreements with Other Agencies. Two of the agencies have formal contracts for provision of child welfare services to Indians. BIA contracts with the state of Arizona to pay for foster care of Indian children from the nearby reservations, and the Washington state agency contracts with several Indian organizations to provide some services.

All of the sites but Rapid City reported that they have informal agreements with Indian groups and organizations, which mostly involve recruitment of Indian foster homes by the Indian organizations.

Contacts with Tribal Officials. The agency respondents were asked whether they contacted tribal courts or other tribal officials when making placements of tribal members. Only the Chicago agency does not do this at all. Two sites reported contact only when a case is referred to the agency by the tribal court, and two sites contact the tribal court if it has jurisdiction (Phoenix contacts in both situations). None of the agencies contacts tribal officials other than the tribal court, although the Seattle agency is required to contact urban tribal representatives when making placements.

Recommended Changes. Each respondent was asked if any changes should be made in agency policies or procedures regarding child welfare services for Indians. Three sites (all except Phoenix) responded that there should be more involvement in agency policies by the Indian community. Other recommended changes included more Indian staff, collection of data on clients' ethnic backgrounds, a group home for adolescent girls, notification of tribal officials when making placements, and enrollment of children prior to adoption.

Indian Health Service*

Services Provided. The Phoenix and Seattle facilities serve more than the urban area, since the Seattle facility serves eight reservations, and the Phoenix office has service units throughout Arizona. These facilities serve only Indians. Although they primarily provide medical services, each also provides some social services. Phoenix and Rapid City are involved in social services to children in their own homes (mostly counseling with families) and in social services for unmarried parents. The Seattle facility reported providing psychiatric consultation at a group home. None of the facilities make placements.

All three facilities are involved in outreach and advocacy through nurses and community health representatives. Phoenix's IHS also has patient advocates, and Seattle's IHS has a health educator who coordinates paraprofessionals. Rapid City's IHS has no specific outreach or advocacy workers.

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*There is no IHS facility at the Chicago site.

Indian Involvement. Two of the facilities have no Indian staff providing social services, while the Rapid City facility has two Indians on the social work staff.

The advisory boards for the three facilities are composed entirely of Indians. Other reported avenues for Indian input were the community health representatives, Indian organizations, tribal health boards, and tribal councils. Rapid City's IHS reported that there are no formal mechanisms for Indian input besides the advisory board.

Agreements with Other Agencies. None of the facilities have contracts for provision of social services, although they do for medical services. Informal arrangements exist with Indian organizations for IHS to provide mental health consultations, e.g., for substance abuse. Usually the IHS facility also has working arrangements with other local agencies with regard to referrals.

Recommended Changes. One facility did not answer the question regarding desirable changes, and one responded that no changes were needed. The third suggested that there should be more followup when clients are released and more cooperative case planning with other agencies.

Indian Centers and Social Services Agencies

This category includes two agencies in Seattle, two in Phoenix, three in Chicago, and two in Rapid City. Each serves the local Indian population. However, in Rapid City, one of the agencies serves five cities across the state of South Dakota, and the other serves only youth at a low-income housing project. An interview was not completed at the Seattle Indian Center, although two of its subcomponents were interviewed (legal services and a project entitled Alternative to Foster Care, which is no longer in operation). Additional information on the Seattle Indian Center was obtained from secondary sources.

Services Provided. The services provided by these nine agencies are quite diverse. Only one, the Seattle Indian Center, is a licensed child-placing agency, and that license was only issued on probationary status in the fall of 1975. The child welfare service most commonly provided by these agencies is counseling, either with unmarried parents, youth, or with families having problems (protective services and services to children in their own homes). One agency in Chicago provides homemaker services, and four provide emergency services, such as finding emergency shelter for children and families. Several are also involved in recruiting Indian foster parents for child-placing agencies. One agency in Phoenix provides an after-school day care program. Other services provided by one or two of the agencies include career counseling, employment programs, recreation, and a dropout program.

Three of the agencies have unique programs. The Seattle Indian Health Board (SIHB) is primarily involved in health care, although it has a social services component. The SIHB provides residential treatment and protective and emergency services, mostly medically related. The Wiconi Project of the United Sioux Tribe (Rapid City) provides intake, referral, and advocacy, rather than direct services. They also recruit adoptive parents for children of unwed mothers. The Lakota Youth Development Program (Rapid City) focuses on the problems of youth (especially substance abuse) in a housing development, and provides some counseling, as well as referrals for residential treatment.

The caseloads of the agencies are nearly 100 percent Indian. One of the agencies stated that it serves only Indians; the remainder give priority to Indians and usually refer non-Indians to other agencies. All nine agencies reported that they have outreach and advocacy workers for Indians.

Funding Sources. The funding sources for these agencies are also diverse. Three receive all or partial funding from ONAP (Seattle Indian Center, Phoenix Indian Center, Native American Committee in Chicago), and two receive HEW health funding. Three are partially funded by community United Funds; one has some employees paid by CETA; and one has some Model Cities funding. Private contributions and foundations are mentioned by three respondents. The Downtown Indian Center in Phoenix is supported by city revenue-sharing money. Salaries at the Lakota Youth Development Program are paid by an Indian community organization, and the facilities are provided by the Lakota Homes Cooperative.

Most of these organizations are not new. Four of the agencies are over ten years old, two are five to nine years old, and three are one to four years old.

Indian Involvement. As might be expected, all or nearly all staff members at these agencies are Indians. All of the agencies have at least one advisory board. Five of the boards are 100 percent Indian; three are at least 70 percent Indian; and information was not available for one agency. All respondents also mentioned other less formal avenues for Indian input, including board meetings open to the community, personal relations between staff and community members, client questionnaires, and community meetings on specific topics held every two months.

Agreements with Other Agencies. Most of the agreements mentioned are of an informal nature. These are with other Indian agencies and groups (eight respondents), with state social services agencies (five respondents), with private service providers (four respondents), and with BIA social services (the two Phoenix agencies). One agency serves as a client advocate at the state social services agency, and another has conducted home studies for the state. One Indian agency reported having no agreements with other agencies.

Contacts with Tribal Officials. Since none of these agencies make child placements, the question of contacting tribal courts and officials about child placements is not really appropriate. However, three of the agencies contact tribal courts when they are aware of placement situations.

Recommended Changes. Four of the respondents believed that no changes should be made in their agencies' child welfare policies or procedures, and two did not respond to the question. The remaining three suggested adding more services, increasing existing services, and adding a staff member specifically for child welfare.

Private Agencies

Two agencies each in Phoenix, Chicago, and Seattle, plus one agency in Rapid City, were interviewed. Five of the agencies are sponsored by church groups, including one in Seattle, one in Chicago, two in Phoenix, and one in Rapid City.

Services Provided. Five of the agencies are licensed to place children. The two which are not licensed mostly provide counseling services; one also provides emergency shelter. All but one of the agencies licensed to place children is involved in adoptive placements, and all five provide foster care services (one specializes in children needing psychiatric treatment). All five also provide social services to children in their own homes and social services to unmarried parents. Group home care is provided by three of the agencies, and institutional care is provided by two. Protective and emergency services are available at three of the agencies. The two agencies in Phoenix have special programs for Indian children. Jewish Family and Children's Service has the Indian Adoption Project funded by BIA (see separate discussion in chapter 4). Arizona Baptist Children's Services runs the Papago Indian Children's Home in Sells, Arizona under contract with BIA, which pays the placement fees.

These agencies all provide services to non-Indians as well as Indians. The Chicago and Seattle respondents reported that very small percentages of their clients are Indians (the largest being 20 percent of the total foster care cases at Catholic Children's Services in Seattle). The two agencies in Phoenix reported the highest percentages of Indian children served, ranging from 5 to 50 percent, depending on the specific service. Children at the Papago Indian Children's Home are all Indian.

Two of the agencies reported that there are outreach/advocacy workers for Indians (Jewish Family and Children's Service and Mother Butler Center in Rapid City). One agency in Chicago has a non-Indian worker who is usually given Indian cases because of experience with the Indian community.

Funding Sources. Almost all of the agencies receive private contributions as well as funds from their church organizations. Four are also funded by community United Funds. Four receive direct funds or fees for services from state social service departments, and three charge client fees. The Jewish Family and Children's Service is under a $79,980 contract from BIA for the Indian Adoption Project.[2] All of the agencies are over ten years old.

Indian Involvement. Four of the seven agencies have no Indian staff, but one of these, Catholic Charities of Chicago, is training an Indian volunteer from the Native American Committee in the provision of foster care. The three agencies with Indian staff have very few Indians: two reported having one caseworker each (Jewish Family and Children's Service in Phoenix and the Children's Home Society of Washington), and the third has one Indian social worker and six child care workers (the Papago Children's Home).

Four of the seven agencies have no Indians on their advisory boards, and two have only one Indian each. At the seventh, the Mother Butler Center, eleven of twelve members of the Parish Council are Indians. Although Jewish Family and Children's Service in Phoenix has no Indian members on its advisory board, there is a special advisory board to the Indian Adoption Project which is comprised only of Indians.

With regard to other avenues for Indian input, two agencies reported that there are none. One agency relies on an informal suggestion process, two have contacts with Indian organizations in the community, one uses a newsletter (the Indian Adoption Project), and the tribal judge and tribal chairman have input into policy at the Papago Children's Home.

Agreements with Other Agencies. Three of the agencies have formal contracts with other agencies: the Indian Adoption Project is funded through a contract with BIA; the Arizona Baptist Children's Services contracts with BIA to pay placement fees and also has purchase-of-service contracts with some Arizona tribes; and the Mother Butler Center contracts with a public school to provide space for an Indian survival school. Informal agreements such as referrals and discussions of mutual cases were reported by five of the agencies. One agency stated that it has no agreements with other agencies.

Contacts with Tribal Officials. Of the four responses regarding contacts with tribal courts or officials, one agency does not make placements of children, one (in Chicago) does not contact tribal officials, one in Phoenix (Indian Adoption Project) contacts the tribe if the child is a ward of the tribal court or if the parent requests contact, and the fourth (in Phoenix) does not initiate contacts but is contacted by tribes to place children.

Recommended Changes. Four agencies responded that there were no changes which should be made in their policies and procedures. Three of the agencies did not answer the question.

SERVICES AT URBAN SITES

This section of part 2 discusses patterns of service delivery with respect to specific services. The services include foster care, adoption, protective services, emergency services, homemaker services, day care, group homes, services to children with special needs, and child welfare-related services (health, recreation, school supportive services). For each service, the discussion covers service providers, special provisions or procedures for Indian children, and problems and general comments.

The data are from four urban sites: Chicago (Uptown neighborhood); Seattle; Phoenix; and Rapid City, South Dakota. At all four sites Indians comprise small percentages of the population, with the largest percentage being found in Rapid City, where as much as one-quarter of the population may be Indian. All of the sites except Chicago are located near reservations, and reservations are actually located within the Seattle and Phoenix SMSAs.

Foster Care

Service Providers. Nearly all foster care services at the urban sites are provided by the county departments of social services. This is particularly true of the more formalized aspects such as custody, making placements, and payments for foster care. At each of the sites private denominational agencies also provide some foster care services, but generally only a small percentage. Two sites show some variations from this pattern. At Seattle, the Juvenile Services Division of the court has a foster care unit which recruits foster homes, conducts home studies (licensed by the county), and makes placements. This is still a small percentage relative to foster care provided by the county, however. At Phoenix, BIA pays the county department of social services to provide foster care for children from reservations.

The role of Indian centers and Indian social services agencies in the provision of foster care is limited to casework with families (usually prior to placement). The one exception is the Seattle Indian Center, which has a probationary license to place children, although no placements had been made by the time of the interview. The Alternative to Foster Care project of the Seattle Indian Center provided residential treatment for families whose children had been removed or who were in imminent danger of losing them. However, this project's funding has expired after a three-year demonstration period, and no alternative funds have yet been arranged.

Special Provisions. Since a major problem noted by respondents was a lack of sufficient numbers of Indian foster homes, respondents were asked about two special provisions or procedures which could increase this number--recruitment efforts and the application of special licensing standards. With regard to recruitment efforts, there was a wide range of answers at the four sites. At Phoenix recruitment of Indian foster homes is done only informally by the county agency. At Rapid City there have been efforts in the past, including some on a nearby reservation but, according to the county respondent, these efforts had negligible success.

Both the county and a private foster care provider in Chicago reported that they recruit through Indian organizations in the community. One of these, the Native American Committee, has a foster care specialist funded by ONAP, who is involved in recruitment. The most aggressive efforts are made by the state/county social services system in Seattle. Recruitment efforts are required by the Washington Administrative Code and are monitored by the Indian Desk. A special pamphlet has been developed for Indian foster parents. In addition, the regulations specify that when an Indian child is to be placed, the agency must first seek to place him with a relative and then with an unrelated Indian, preferably of the same tribe.

Respondents at the urban sites were asked whether or not they thought that special recruitment efforts for Indian parents would be desirable. All twenty-three responded in the affirmative.

With regard to the use of special licensing standards, there is again a variation. Only one agency said that special standards are not used but qualified this statement by noting that present Arizona standards are fairly flexible. At two sites, Chicago and Rapid City, there is an unofficial verbal policy of relaxing standards. However, the private child-placing agency in Chicago was not aware of this. The county agency in Chicago will also contract with local Indian organizations to do home studies, but the Indian groups seem to be unaware of this possibility. Again, the most aggressive policy steps have been taken by the state of Washington. They have special standards for all minority groups, but Indians are specifically mentioned. The special standards involve relaxing requirements which are culturally inappropriate.

A question was directed to whether or not respondents felt the use of special licensing standards for Indian homes to be desirable. Of the twenty-three respondents at urban sites, nineteen said yes and four said no. Of the latter, two were from IHS and two were from private agencies.

Another special provision which is important in the area of foster care services to Indians is whether or not AFDC-FC payments are made to relatives. Two sites, Seattle and Rapid City, said that they are. At Rapid City the state must have custody before such payments can be made. At Phoenix such payments are not made. The Chicago respondent did not know how to answer since another agency disburses welfare funds.

Respondents were asked whether such payments are desirable. Only one respondent (at a county agency) said they were not.

The final special procedure in providing foster care to Indian children is notifying tribal courts or tribal officials about placements. At Chicago the two child-placing agencies were both unaware of this issue. Rapid City and Phoenix county agencies notify tribal courts only in certain circumstances, such as when the tribal court has jurisdiction or if the child was referred to the agency from the reservation. At Seattle, notification is made to urban tribal representatives who act as resource and advisory persons in making the placements.

Two questions asked of respondents were whether tribal court orders should be recognized and whether tribal officials should be notified about placements of Indian children. Nineteen of twenty-three respondents thought tribal court orders should be recognized. Only fourteen of the twenty-three felt that tribal officials should be notified in making placements of Indian children; three of those who thought they should not be were members of urban Indian agencies. Red tape and delays were the usual reasons given for negative responses.

Problems and General Comments. At one of the sites no problems were reported with foster care services. Other problems reported by two of the three remaining sites included lack of Indian foster homes, emphasis on placements instead of on casework to keep a family together, and fear and mistrust of the county agency on the part of Indian people. Other problems mentioned at one site each were the need for more Indian staff, problems of delivering services to highly mobile clients, lack of supervision of foster families, lack of services in addition to placements, and the necessity for the state to have custody before foster care payments could be made.

Adoptive Services

Service Providers. Like foster care, adoptive services are provided primarily by county departments of social services at the four urban sites. Private denominational agencies also provide small percentages of adoptive services at all four sites. Jewish Family and Children's Service in Phoenix is the only private agency with a special program for Indians--the Indian Adoption Project, which is funded by BIA (see the case study in chapter 4 for more details).

BIA is also involved to a small extent in adoptions at two sites where reservations are very close to the city (Seattle and Phoenix). At Rapid City IHS reported providing counseling to unwed mothers. According to respondents, none of the Indian agencies are involved in adoptions, except when they refer unwed parents and potential adoptive parents to adoption agencies. One reported recruiting adoptive parents for informal adoptions of children of unwed parents.

Special Provisions. Agencies were asked about special efforts to recruit Indian adoptive parents. At three sites the efforts of county departments of social services are informal and not very extensive. At one of these three, Phoenix, Jewish Family and Children's Service does make formal recruitment efforts through other agencies and the news media. The county agency at the fourth site, Seattle, is required by the Washington Administrative Code to make extensive efforts to recruit Indian adoptive families.

A second special provision about which agencies were asked was a subsidized adoption program to enable more Indian families to adopt Indian children. The four states within which the sites are located all have subsidized adoption programs, although the program in Arizona is still in the process of being implemented. The South Dakota subsidies are mostly for medical and psychological counseling costs. The Indian Adoption Project can also offer subsidized adoptions, paid for by BIA.

Respondents were asked if they thought a subsidized adoption program for Indian families would be desirable. Twenty-one of the twenty-three replied affirmatively.

An issue that has become important to Indians is the enrollment of Indian children in their tribes prior to adoption. The major purpose of this provision is to enable them to retain rights of inheritance or tribal benefits and trust funds. This special procedure is followed by the county agencies at two sites, Phoenix and Seattle, and by the Indian Adoption Project. Enrollment is a state policy in Washington, and special forms are provided. At Rapid City, an effort is made to enroll the children. The two adoption agencies in Chicago reported that they were unaware of the enrollment issue.

A question as to the desirability of enrolling children prior to adoption was directed to all respondents. Twenty of twenty-two persons answering this question said that it was a desirable procedure.

Problems and General Comments. Respondents at two sites did not mention any problems. In fact, a Seattle respondent noted that there are more Indian parents who want to adopt than there are Indian children available. The other two sites reported that there are not enough Indian adoptive homes. Some barriers mentioned included the fact that adoptive parents are required to have a lawyer, which some Indian parents cannot afford, and rigidity of standards for adoptive parents, such as having checking and savings accounts. One site, Rapid City, reported that there is a common practice of unofficial adoptions and that Indian parents are unwilling to entrust the state with legal custody of children.

Protective Services

Service Providers. Protective services are provided almost exclusively by the county departments of social services at the four urban sites. Their activities most often involve initiation of court procedures and making placements. Indian social service agencies and non-Indian private agencies were most frequently mentioned as providing casework services, particularly prior to removal of a child from the home. Casework after placement is done by the county agencies, court probation officers (at two sites), and private agencies. Protective service cases are frequently referred to the county agencies by local law enforcement agencies; at one site, Rapid City, the law enforcement agency also initiates from 20 to 30 percent of court procedures.

Problems and General Comments. The major problem with protective services is a lack of casework prior to removal of a child from the home. This can be attributed to a lack of sufficient staff to provide such services and to Indian parents' failure to utilize the services. Some respondents noted that Indian parents may not use services due to fear of the county agency and its power to take their children away. It was also noted that personnel need more sensitivity in dealing with Indian children and their families.

Emergency Services

Service Providers. At three sites emergency services are provided by the county departments of social services, and twenty-four-hour services are also available, although in Seattle they are provided by clinics, including an Indian clinic, rather than by the county.

The fourth site, Rapid City, has no emergency services. When cases are referred to the county agency (open during business hours only), it cannot provide emergency shelter due to a lack of state funds for this service. Instead the agency tries to locate relatives for placements, sometimes through the Wiconi Project (an Indian-run organization). Two private agencies will provide vouchers for a night's motel lodging, but this fact is generally not known and, according to respondents, the service is seldom used.

The role of both private and Indian agencies is usually to find emergency shelter for children and families. This was reported to some extent at all four sites.

Problems and General Comments. The major problem is lack of emergency foster homes, particularly with Indian foster parents. Emergency shelter for families and adolescents was also cited as a services gap. Reasons were not given for these problems, except at one site, which mentioned lack of funding.

Homemaker Services

Service Providers. Homemaker services are provided by the county departments of social services at three sites. However, at two of the sites respondents from other agencies were not aware of the availability of such services. Homemaker services are provided by one Indian agency, the American Indian Center in Chicago. The 1974 caseload of this agency for homemaker services was 120 Indian children; again, however, other agencies were not aware that this service was being provided. At Seattle it was reported that IHS and visiting public health nurses provide some homemaker services. In addition, students at the Indian Heritage School act as homemakers.

The Rapid City respondents reported that homemaker services are not provided due to lack of state funding. However, the county extension service provides this service to a small extent.

Problems and General Comments. Although homemaker services were said to be available at three sites by the county agency respondents, other agencies were not generally aware that the service existed. This suggests that services are being underutilized or that they are not available for many families. At one site it was noted that the homemaker services are only for emergencies and thus cannot be used as a preventive service. At Seattle, where homemaker services are apparently most widely available, it was commented that more Indians should be recruited to provide this service.

Day Care

Service Providers. Three day care centers were interviewed in Phoenix, one in Rapid City, and two in Chicago. None were interviewed in Seattle because the day care centers there do not serve predominantly Indian children.

Five of the six centers provide preschool day care. The sixth, the Phoenix Indian Center, serves six- to thirteen-year-olds after school and full time during the summer, providing tutoring, recreation, and cultural enrichment. The remaining five centers focus on preparation for entering school and on child development. One has a training program for parents. Two of the centers specified that their services are limited to low-income parents who are working or receiving job training.

Only two of the centers (both in Phoenix) serve mostly Indian children. Two others, one in Rapid City and one in Phoenix, have enrollments that are about 50 percent Indian; the two in Chicago's Uptown neighborhood serve smaller Indian caseloads (an average of about 10 percent).

The day care centers are supported by federal funds (Title XX, Model Cities, CETA), state social services agencies, local funds, and parent fees. Fees for children of AFDC and WIN mothers are paid by the state at two centers.

Only one of the centers reported having an outreach worker for Indians. This worker is an Indian and is funded by CETA. Two of the centers, including one center enrolling over 50 percent Indian children, have no Indian staff working with the children. Two centers in Phoenix have several Indian teacher aides, and at one of these all fifteen staff members are Indian.

All of the day care centers have at least one advisory board. These boards tend to have Indian members in about the same proportion as the Indian children enrolled there, except that the two in Chicago have no Indian members.

Other community resources are utilized to some extent by all the day care centers. Relationships with other agencies generally consist of referrals by the day care centers to the other agencies for some service such as mental health consultation, family counseling, and diagnosis of problems. Others receive services such as recreation from the city. Still others have interagency linkages via community child care councils or, in one case, an Indian advisory committee to the city government.

Special Provisions. All of the sites reported that day care centers are licensed by the states or county departments of social services. No site stated that special procedures were used in licensing day care provided by Indians or to Indians.

County respondents were also asked whether or not day care payments could be made to relatives. Two of the respondents did not know the answer, and two (at Phoenix and Rapid City) said that they could.

A question concerning the desirability of making day care payments to relatives was directed to all respondents. Twenty-one of twenty-two urban site respondents answering the question replied affirmatively.

Problems and General Comments. The most common problem was lack of sufficient day care facilities to serve all Indian children needing day care. Day care centers that exist in Seattle were said to be inappropriate for Indian children and not accessible to them. In Rapid City many children are cared for by relatives due to inadequate facilities. Other problems mentioned by respondents included not having enough Indian staff and the fact that low-income requirements prevented many working parents from utilizing day care.

Group Homes

Service Providers. According to respondents, group home services were not available for Indian children at two sites, Seattle and Rapid City. At Chicago, group homes are available in other parts of the county but not in Uptown. No interviews were completed with group homes at these three sites.

Four group homes were surveyed at the Phoenix site. One serves mentally retarded children, and one serves emotionally disturbed children (these are discussed in a later part of this chapter). The other two group homes in Phoenix are also designed for specialized populations.

One serves girls who are dropouts or school underachievers and who have family problems. It is a residential care facility and uses a behavior modification approach. It is supported by fees from placement agencies (county social services and BIA), and its clientele is about 2 percent Indian. There are no Indian staff members and no Indians on the advisory board.

The second is the Florence Crittendon home for delinquent girls and unwed mothers. Social and medical services are provided. It, too, is funded through purchase of services by the county welfare department and BIA. Funds are also obtained from the community United Fund. The clientele is about one-third Indian. There are two Indian child care aides on the staff and no Indians on the board of directors.

Problems and General Comments. It is clear that the major problem in this service category is lack of group home facilities. No site reported having group homes to be used for foster care placements for children of all ages, with the exception of Chicago, which has homes in other areas of the county.

Services for Children with Special Needs*

Emotionally Disturbed. At two sites diagnostic and casework services were reported to be provided by a combination of the county agency, IHS, and private agencies (Seattle and Phoenix). Rapid City stated that diagnosis and casework are available only through private agencies, with services purchased by the state.

Treatment facilities are generally lacking at all three sites, especially group homes. Some day treatment is available at Seattle and Phoenix through the county agency, but Phoenix reported that a child must be in foster care to receive this service. There is a small group home available in Phoenix (only five Indian children were served in 1974). This home provides residential treatment plus a behavior modification program. Referral agencies pay fees for services. There are no Indians on the staff or on the advisory boards.

Institutional care is available for children from all three sites, paid for by the state or county department of social services. One institution in South Dakota is run by Lutheran Social Services.

Physically Handicapped. Diagnosis and casework were reported to be provided by the state and IHS at Seattle and by a children's hospital and IHS at Phoenix. Services for physically handicapped children are not available in Rapid City.

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*No data are available from the Chicago site since respondents could not answer.

Day treatment and group homes are not available at any of the three sites, according to respondents. Institutional facilities are provided by the state departments of social services for children from Rapid City and Seattle; at Phoenix the only institution available is a hospital.

Mentally Retarded. Seattle and Phoenix reported that diagnosis and casework for mentally retarded Indian children are provided by the county departments of social services and IHS. At Rapid City these services are available through the public schools and private agencies, the latter by purchase-of-services contracts with the state.

Day treatment is reportedly available from these same agencies. Group homes are not available at one site, are provided by the state at one site, and by a private source at the third (Phoenix). The Valley of the Sun School for the Mentally Handicapped in Phoenix provides a residential program and training program. It is supported by state and federal funds, the community United Fund, and private donations. Fifty percent of the two hundred students are Indians; the BIA pays monthly fees for their care. The Indian staff consists of three dormitory attendants, and there are no Indians on the advisory boards.

Institutional care for mentally retarded children is available from the three states. In South Dakota, legal custody must be obtained before a child can be institutionalized.

Delinquent. Diagnosis and referral for problems of delinquent youth are generally provided by county social services and the juvenile court system at the three sites. Casework is provided by the county agencies and by Indian private agencies to which children are referred.

Day treatment is apparently not available for delinquent children. Group homes are provided by the county at one site; at Phoenix they are limited to the Florence Crittendon home (for girls only); Rapid City respondents did not mention group homes as being available. State institutions are available for children from all three sites.

Child Welfare-Related Services

Health. Public health services are provided by county boards at all four sites. IHS also provides health services for Indian children at Seattle, Phoenix, and Rapid City. The Seattle Indian Health Board is an Indian agency which provides health services as well as client advocacy within the larger public system.

Respondents generally felt that these health services were inadequate. It was noted that the services were often used only in emergencies rather than preventively. Reasons for this included lack of transportation, mistrust of staff, excessive bureaucratic procedures, and long waits for services. Another major problem noted by respondents was fragmentation of the service delivery system, which particularly affects low-income people.

Recreation. The most frequently mentioned providers of recreational services for Indian children in urban areas were Indian centers or organizations. Public parks departments were also mentioned at three sites, as were public schools and private agencies including churches, clubs, and the YMCA.

Respondents agreed that recreation programs were inadequate, especially for Indian children. The most common reasons were lack of staff, funding, and facilities. Recreational activities are frequently not oriented to the needs of Indian children, since they stress individual competitiveness. Similarly, one respondent noted that the programs were not interesting enough for the children to draw them away from more exciting activities, such as drinking. Two respondents cited a lack of outreach efforts, especially for teenagers.

School-Supportive Services. All four of the sites reported that there were special school programs for Indian children. These included cultural, bilingual, and outreach programs funded under Title IV of the Indian Education Act. Seattle and Chicago each have alternative schools for Indian children funded by the school districts and federal funds.

All sites except Rapid City have Indian guidance staff in what appear to be adequate numbers when compared to Indian enrollment (although at Chicago the alternative high school has no Indian guidance staff). Outreach workers are on the staffs of the districts or of individual schools at all sites except Rapid City.

The most common problem mentioned by respondents was that the programs which do exist are still inadequate to serve the needs of Indian children. They are not available at all schools at any site. Enrollments at the alternative schools represent only a small portion of the total number of Indian children in the communities.

SUMMARY

The data presented in this chapter were obtained from interviews conducted at four urban sites--Chicago, Seattle, Phoenix, and Rapid City, South Dakota. Indians are a very small minority at three of the sites and are less than a quarter of the population at the fourth, Rapid City. Reservations are located within the Phoenix and Seattle SMSAs, and within a two-hundred-mile radius of Rapid City. The first section of part 2 discusses characteristics of the various agencies which provide child welfare services to Indians at the urban sites. The second part discusses, for each service separately, service providers, special provisions for Indian children, and problems with the provision of the service to Indians.

Urban Service Providers

Because Indians are small minorities at these sites, they basically receive child welfare services from the same agencies as the remainder of the population, i.e., county departments of social services and private agencies. In addition, Indian centers and Indian social services agencies at all four sites provide some child welfare services, primarily casework, referral, and advocacy. IHS facilities at three sites also provide some child welfare services, usually limited to casework with unwed parents and mental health services or consultation.

Eligibility requirements for Indians do not differ from those of non-Indians at the county agencies and private agencies. IHS serves only Indians, and the Indian agencies give priority to Indian clients, referring non-Indians to other agencies. Thus, cases at the Indian agencies are nearly all Indian.

The county and private agencies tend not to have specifically assigned outreach or advocacy workers for Indians. IHS facilities usually do have this type of staff, and all of the Indian agencies reported having outreach and/or advocacy workers. In most cases, the primary function of the Indian agencies is outreach and advocacy, and several of the Indian agencies reported that the entire staff engages in these activities.

Funding Sources. These data were reported only for the private agencies, both Indian and non-Indian. The funding sources for both Indian and non-Indian private agencies are diverse. The non-Indian private agencies tend to be funded by private sources--contributions, denominational organizations, and community United Funds. Some also receive direct funding or fees for services from state social service departments. The Indian agencies are more likely to receive funding from public sources such as ONAP, HEW health funds, CETA, Model Cities, private monies from community United Funds, and contributions from foundations and Indian community organizations.

Indian Involvement. All of the agencies, except the Indian centers, have no or very few Indians on their staffs, even though they are located in areas with relatively large numbers of Indians. Advisory boards for the county and the private agencies also have no or very few Indian members. Exceptions usually occur when special Indian advisory boards are formed for specific problems or projects. Advisory boards for IHS facilities and the Indian agencies are usually all-Indian or nearly so. The extent to which informal avenues for Indian input into policy exist also varies. County agencies reported that there are no avenues, some IHS facilities and private agencies have such mechanisms, and all of the Indian agencies mentioned informal avenues for input.

Agreements with Other Agencies. Formal contractual agreements with other agencies are reported by about half of the county and private service providers. The counties reported contracts with BIA and Indian organizations, and the private agencies have contracts with BIA and a school (for classroom space). Nearly all agencies reported some informal agreements. These tend to be with other social services agencies, and include agreements about referrals, discussions of mutual cases, and exchanges of services or consultation.

Contacts with Tribal Officials. The question of whether tribal courts or tribal officials are contacted when making placements is only appropriate for the two types of agencies which place children: county and private agencies (some Indian agencies do contact tribal courts when they are aware of placement situations). Contacts with tribal courts and tribal officials by county and private agencies are sometimes made, but in all but one case this is not a matter of official policy and is done erratically. At Seattle, it is a matter of state policy for tribal representatives to be contacted when making child placements; the county agency contacts urban tribal representatives in fulfillment of this requirement.

Recommended Changes. The county agencies were the most likely to say that changes should be made in their agencies' policies and procedures with regard to child welfare services for Indians; all of these agencies suggested changes. The recommendations focused on more involvement by Indians in the community and a need for more Indian staff. Both Indian and non-Indian agencies were more likely to say that no changes were needed, while all of the non-Indian private agencies responding to the question recommended no changes. Some Indian agencies felt a need to be able to provide a wider range of services or to increase existing services.

Urban Services

Foster care, adoptive, and protective services are primarily provided by county departments of social services, although private community or denominational agencies may provide a small percentage of these services. The Jewish Family and Children's Service in Phoenix has the Indian Adoption Project funded by BIA which places Indian children in Indian homes.

Indian centers and Indian social services agencies are usually involved in foster care and protective services only to the extent of providing casework to families, especially prior to removal of a child from the home. Only one of the nine Indian agencies studied has a license to place children. The primary role played by the Indian agencies in adoptions is that of referring unwed mothers and families who wish to adopt to the appropriate agencies. Indian agencies are also involved in recruitment of Indian foster and adoptive families at some sites.

Emergency and homemaker services are almost exclusively provided by the county departments of social services at three of the sites (respondents at Rapid City reported these services do not exist as there are no state funds for them). Private and Indian agencies are sometimes involved in finding emergency shelter in Indian homes when called upon by the county agencies. At two of the sites Indian groups provide some homemakers.

Of six day care centers interviewed at three sites, all are private, and two are run by Indians. Funding sources vary and include federal, state, and local sources, as well as parent fees.

Group homes are reportedly not available at two sites, and at Chicago they are available but are not located in the Uptown area. Staff of four group homes were interviewed in Phoenix. All are private and used by the state via purchase of services. All four of the homes serve very specialized populations, so they are not really available for children who just need a substitute for parental care.

Diagnosis of emotionally disturbed, physically handicapped, and mentally retarded children is primarily provided by county agencies supplemented by IHS where necessary facilities exist. Day treatment centers and group homes for children with these special needs are nonexistent or inadequate; state-run institutions are available for children from all sites.

Delinquents are generally handled by the local law enforcement and court system and are referred to county agencies for whatever social services are available. Some Indian agencies reported providing casework to delinquent children and their families. There are group homes at two sites; otherwise state institutions are used for residential care and/or treatment.

Public health services for Indian children are provided by county boards of health at all four sites. IHS also has health facilities at three of the sites. At one of these three sites health services are also provided to Indians by an Indian health board and clinic.

Recreational opportunities for Indian children at the urban sites are primarily provided by Indian organizations. Other providers mentioned were public parks, public schools, and private agencies, such as churches and the YMCA.

With regard to school supportive services, there are special cultural, bilingual, or outreach programs for Indian children at some schools at all sites. Two sites have alternative schools for Indian children. There are some Indian guidance staff at schools at all sites.

Respondents were asked about whether their agency utilized several special provisions or procedures in providing child welfare services to Indian children and families. One of these was the use of special standards in licensing foster homes. This policy is verbal at two of the four sites and is explicitly part of state policy at a third.

The extent and formality of efforts to recruit Indian foster and adoptive parents vary considerably at the four sites, from no efforts to informal efforts, to utilization of Indian agencies for recruitment, to formalized efforts required by state policy prior to the placement of every Indian child.

Respondents were asked whether AFDC-FC payments could be made to relatives. Two sites replied that they could; one site that they could not; and the county respondent at the fourth site did not know.

There was also a reported variation in practices regarding notification of tribal courts or tribal officials when making child placements. This is done routinely at only one site, where notification is made to urban tribal representatives. At two other sites it is done in certain circumstances, and at the fourth, the child-placing agencies were unaware of this issue.

All four states have subsidized adoption programs, although in one it is still in the process of being implemented, and in another the subsidies are mostly for medical and psychological costs. BIA pays for subsidized adoptions through the Indian Adoption Project of Jewish Family and Children's Service in Phoenix.

Indian children are enrolled in their tribes prior to adoption at two of the sites; at a third they are sometimes enrolled. The two adoption agencies at the fourth site were unaware of the enrollment issue.

Respondents at several sites reported that agencies put more emphasis on making placements than on keeping families together. Lack of Indian foster and adoptive homes also seems to be a common problem, except at one site, where recruitment of Indian parents is required by the state. Barriers to service provision, such as fear and mistrust of the county agencies and lack of financial resources on the part of potential adoptive parents, were also mentioned by several respondents.

The major problem with emergency services, day care, and group homes seems to be a complete lack of facilities or lack of sufficient facilities to serve the number of children needing them. Lack of emergency foster homes and emergency shelter for families and adolescents is a common problem.

Another problem mentioned with regard to day care was the inappropriateness of programs for Indian children, who comprise a minority at four of the six centers.

Homemaker services were reported to be available at three sites, but other agencies at these sites were unaware of them. At one site the use of homemakers is limited to emergencies.

Except for state institutions, treatment facilities for children with special needs are inadequate or nonexistent at all sites. Diagnostic services were not mentioned as being problematic, except at one site.

Health, recreation, and school-supportive services exist to some extent at all four sites. However, respondents frequently reported that these services were inadequate, either due to barriers causing underutilization or to lack of facilities and staff.

PART 3

CHILD WELFARE-RELATED LEGAL SYSTEMS

Because of the involvement of legal systems in a number of child welfare and child welfare-related services (e.g., protective services, adoptions, and institutional commitments), one component of the field study focused on legal systems and their relationship to child welfare services for Indian children. Courts, police, and legal services representatives were asked questions about their activities in Indian child welfare-related matters and about opportunities for Indian involvement and input.

Child welfare services for Indian children are affected by two legal systems--state/county/city and tribal systems. The limits of state and tribal jurisdiction were described in chapter 1. Generally, tribal courts and tribal police have jurisdiction over all child welfare matters on federally recognized reservations, except where PL 280 or other federal legislation has provided that states may extend their jurisdiction. Member courts of state court systems and state, county, or local police have jurisdiction over reservations which are subject to PL 280, over Indians and Alaska Natives in Oklahoma and Alaska (with few exceptions), and over Indian communities and individuals in cities and other off-reservation areas. However, as the introductory material in the section on tribal courts will show, there are many nuances and complications within the general jurisdictional division, and for this reason interviews were sought with county and/or local police and state courts adjacent to reservations--even at reservation sites where tribal systems do have jurisdiction--in order to explore possible interfaces between the two systems.

This part is divided into two main sections. The first considers legal systems at the reservation and other non-urban sites and reports findings from interviews with tribal courts, member courts of state court systems, tribal police, county and city law enforcement agencies, and legal services programs. The second part looks at legal systems at the four urban field study sites and reports findings from interviews with member courts of state court systems, county and city law enforcement agencies, and legal services programs.

FINDINGS AT NONURBAN SITES

Tribal Courts

The extent to which tribes in non-PL 280 states have exercised their jurisdiction over child welfare matters varies from tribe to tribe. Some of these tribes have tribal codes which cover child welfare matters, and others do not. There is a growing interest among tribal councils and tribal judges in becoming more active in this area.

There are three types of tribal courts. First, there are traditional tribal courts, which are found primarily in pueblos. These courts operate according to traditional procedures and generally lack written rules or codes.

Tribes which have exercised their sovereignty to establish courts similar to non-Indian courts are said to have "Indian tribal courts." These courts operate on the basis of written rules and codes which may be either tribal codes that are enacted by tribal councils or the C.F.R. code, which is a model code promulgated by the Bureau of Indian Affairs in the Code of Federal Regulations. Rather than developing their own independent codes, some Indian tribal courts have incorporated state children's code provisions into their tribal codes. The advantage of doing this is that it allows a tribe to incorporate material already developed and affected by case law interpretation or legislative amendment in response to changing social needs. In addition, there is a greater likelihood that state courts will grant recognition of tribal court orders.

However, there are also disadvantages. First, adoption of a state children's code may mean the adoption of a system of regulating and resolving family difficulties in which culturally based child-rearing practices are not given consideration. Even though Indian people may make up a significant portion of a state's minority population, state legislatures have generally turned a deaf ear toward consideration of cultural differences in legislative drafting. Second, the wholesale inclusion of a state children's code may bring with it procedural requirements which are possibly alien to tribal court systems, such as hearing and notice requirements, provision of counsel to indigents, and the delegation of certain responsibilities to agencies which have no analogue within developing tribal government systems.

Finally, there are courts of Indian offenses which exist where tribes have not exercised their sovereignty to establish a court system. These courts are set up and administered by the Bureau of Indian Affairs, and their decisions can be appealed to the BIA superintendent. These courts operate under the C.F.R. code. Until recently the C.F.R. did not contain provisions relating to Indian juvenile matters. Under a contract with BIA, the American Indian Law Center at the University of New Mexico has developed a "Model Children's Code" for courts of Indian offenses. However, even tribes with tribal codes have expressed interest in adapting the model code provisions to their own tribal codes.

Respondents from seven tribal courts on six reservations were interviewed for the study: courts at Choctaw; Crow; Gila River; Turtle Mountain; Zuni; and two courts on the Navajo Reservation--the court at Crownpoint, which serves the Ramah area, and the Navajo Court of Appeals at Window Rock. In all of these courts except Choctaw the reservations are not under any claimed state jurisdiction over child welfare matters. At Choctaw there is current litigation over the question of ultimate jurisdiction and, meanwhile, an interwoven pattern of concurrent jurisdiction operates.

No interviews were completed with tribal courts at five reservation sites. Three of these are under total state jurisdiction and have no tribal courts (Leech Lake and the two Passamaquoddy reservations); the Menominees are now in the process of reestablishing a tribal court following retrocession; and while the Makahs do have a tribal court, the tribal judge was not available for an interview. In addition, under PL 280, the Makah Tribal Court has jurisdiction primarily over civil disputes between adults on the reservation. Most matters involving children and some matters involving adults are currently referred to the state court system.

General Court Operations and Policies. Respondents were asked whether their courts were courts of record and/or whether they had written codes and procedural rules governing child welfare matters. Two of the seven courts (Crow and Gila River) indicated that they kept only limited records, but the rest were courts of record. Although two courts have jurisdiction over tribal children, they have no written codes or procedural rules governing child welfare cases (Crow and Choctaw). Three have written codes and procedural rules governing all child-related matters, and two courts have written codes but only limited procedural rules which apply in child welfare cases which do not involve termination or custody determination. Six of the seven courts stated that they were in the process of revising their tribal codes; one (Gila River) had recently revised its code.

Respondents were also asked whether or not persons appearing before their courts for child welfare matters were likely to have legal counsel. Three of the seven courts indicated that such persons would always have legal counsel; three stated that under certain circumstances persons might have counsel, particularly in cases involving termination of parental rights; and only one court stated that counsel was never provided.

Staff Composition and Staff Development. Six sites responded to questioning about staffing patterns at their courts. Three of the courts had staffs of four persons, one had five, and at two sites (Gila River and Turtle Mountain) staff size was reported to be nine or ten. With two exceptions, respondents reported that all court staff were Indian. At Turtle Mountain, the two tribal judges and the prosecutor are non-Indian, while at Zuni a probation officer is non-Indian.

When asked about staff participation in training sessions on Indian child welfare matters during the past year, five of the seven indicated participation in national or regional conferences or seminars conducted by the BIA or the University of Denver, all of which dealt with the subject of child abuse and neglect. Only two respondents reported no court participation in training sessions relating to child welfare during the past year (Zuni and Crow).

Relationships with Tribal Governing Bodies. When asked about contacts between tribal courts and tribal councils in child welfare-related cases, respondents indicated a variety of working relationships. In one court (Zuni), any case has to come before the tribal council before it is brought to the attention of the tribal court. Another court (Turtle Mountain) indicated that when a petition is filed with the court a copy is sent to the tribal chairman; after determination is made, a copy of the court order is also sent to the tribal council. Two of the seven courts reported no communication with their tribal councils regarding child welfare cases (Crow and Choctaw). Other courts indicated less formal arrangements but stated that their tribal councils provide input into any changes in court procedures and policies. At one court (the Navajo Court of Appeals) tribal members have a means of providing input into court policy and procedure through two court committees, an Indian Civil Rights Committee and the Committee for Clarification of Laws.

Child Welfare Cases. Respondents were asked to provide data on the number of child welfare cases in the following categories which came before their courts in 1974: adoptions, foster care placements, protective services, institutional placements, group home placements, and delinquents. These data were not provided by two of the courts (Choctaw and the Navajo Court of Appeals). Table 3-3 indicates the varying degrees of involvement in child welfare cases of the five responding tribal courts. It should be noted that the figures provided were often estimates and required the court respondents to classify cases into categories they might not normally use.

The number of child welfare cases which came before the courts varied widely. All five tribal courts reporting case data indicated involvement in protective cases, and foster care cases were reported by three respondents with large numbers of cases (one hundred each) at Gila River and Turtle Mountain. Two of the courts (Crow and Zuni) did not have any adoption cases.

While statistics for delinquency may be misleading because repeat offenses are included in the case counts, each of the three tribal courts reported over two hundred delinquency cases. The largest total number of child welfare cases was reported by the Turtle Mountain Tribal Court (561), while the tribal court at Crow reported the smallest number of cases (4). It should be noted that at this time, the tribal code at Crow is not addressed to juvenile matters.

Referral Patterns and Working Relationships with Other Courts and Agencies. Respondents were asked how cases usually came to their attention. The list of possible service providers included tribal social services, BIA, local police, social workers from the county or IHS, tribal councils, Indian organizations, and families or friends. Four of the courts reported they received cases from all of these sources. Police alone were listed by two of the respondents, and one mentioned BIA social services as the primary means through which cases come to their attention. Three of the tribal court respondents also indicated informal working relationships with member courts of the state court system whereby reservation children and youth picked up off the reservation are transferred back to the tribal courts.

Tribal court respondents were also asked to identify community agencies or service providers which they viewed as possible referral resources for child welfare cases which come before their courts. Those resources mentioned frequently

TABLE 3-3

CHILD WELFARE CASES BEFORE TRIBAL COURTS IN 1974

Tribal Courts	Adoptions	Foster Care Placements	Protective Services	Institutional Placements	Group Home Placements	Delinquents
Crow	0	0	2	0	0	2
Zuni	0	6	4	1	3	D.K.*
Gila River	25	100	9	35	20	200
Turtle Mountain	8	100	100	30	10	313
Navajo-- Crownpoint Agency (includes Ramah site)	54	N.A.**	100	7	N.A.**	273

*D.K. = Don't Know

**N.A. = No Answer

included BIA social services and BIA boarding schools. Tribal social service programs were mentioned by three of the seven respondents (Zuni and the two Navajo courts). Only two of the court respondents identified county social services as possible referral resources and then only in cases involving tribal members living off the reservation.

Respondents were asked whether or not their tribal courts recognized court orders from state courts and other tribal courts in child welfare cases. Of the six who responded, three courts (the two Navajo courts and Gila River) stated that they recognize all state and other tribal court orders. One court does not recognize any other court orders, and two recognize orders in specific situations. For example, at Zuni the tribal court recognizes both state and tribal court orders in cases involving foster care placements of tribal children, but it only recognizes tribal court orders in protective cases and cases involving group home placements.

Desired Changes in Tribal Court Policies and Procedures. Four courts (Crow, Gila River, Window Rock, and Zuni) reported that they felt a need for certain changes in their policies, procedures, and/or roles in child welfare cases. Changes mentioned were: a need to prepare cases on a more individualized basis (Zuni); a need to refine all court procedures regarding children (currently being done in conjunction with the legal services staff at that site, Gila River); a need to have a joint counseling program for juvenile offenders and their parents (Crow); and a desire to have jurisdiction over non-Indian children and youth residing on the reservation (Window Rock).

State Courts

Interviews were completed with ten courts in nonurban areas which were members of state court systems and which, within the differing state court systems, had responsibility for child welfare-related cases within their areas of geographic jurisdiction. Thus, among these ten courts were district courts, juvenile courts, superior courts, county courts, and one chancery court.

Three of the ten courts were located adjacent to field study reservations in non-PL 280 states where tribal courts have jurisdiction over tribal children. These three included a district court in New Mexico adjacent to both the Ramah (Navajo) site and the Zuni Reservation, an Arizona superior court adjacent to the Window Rock (Navajo) site, and a North

Dakota district court adjacent to Turtle Mountain. These courts were included to explore possible interfaces or conflicts between state and tribal court systems in reservation areas where states do not have jurisdiction over reservations.

Four other courts were adjacent to other field study reservations but have jurisdiction over child welfare-related matters on these reservations. These were a district court in Maine, which has had jurisdiction over the two state Passamaquoddy reservations; two county courts which serve the Leech Lake Reservation in the PL 280 state of Minnesota; and the county court in the PL 280 state of Washington, which includes the Makah Reservation in its judicial district.

The eighth court was a Mississippi chancery court which is adjacent to the Choctaw Reservation. Here there is current litigation as to whether the tribal court or the chancery court has final jurisdiction over child welfare-related cases involving Choctaw Reservation youth. Meanwhile, the Choctaw situation is often referred to as a case of concurrent jurisdiction.

The final two member courts of state court systems were those which serve the entire population in the county where the terminated Klamath Tribe is based (Klamath County Circuit Court) and in the nonreservation region which encompasses Kotzebue. There are no tribal courts at either of these sites.

Interviews were not held with member state courts at the Crow, Gila River, or Clinton-Hammon sites because of judges' schedules or, in one case, because of direct refusal to participate in the interview.

Staff Composition, Staff Development, and Avenues for Indian Input. Only one state court respondent indicated having an Indian or Alaska Native in a paid staff position. This was at Kotzebue, where the magistrate is an Alaska Native whose responsibilities include handling all juvenile cases in eleven villages (with a non-Indian judge approving his decisions). One court--the Mississippi chancery court which serves the area including the Choctaw Reservation--indicated having an Indian volunteer referee who is engaged in fact-finding in Indian cases and acts as a facilitator in cases where there are communications problems between Indians and non-Indians.

The superior court at Window Rock is the only state court which indicated participating in any staff development or training sessions on Indian child welfare matters during the past year. Here, despite the fact that the state court did not have jurisdiction on the reservation, court staff and Navajo Tribal Police met to establish procedures on how to handle dependent and neglected children from the reservation who came to their attention in off-reservation circumstances.

Only one of the ten courts reported ways for Indian community members to have input into court policies and procedures. This court was located at Kotzebue, where the court magistrate works directly with village councils.

Indian Child Welfare Cases. Six of the ten state court respondents stated they were unable to provide statistical data regarding Indian child welfare cases during 1974. Most said that their records did not indicate whether cases involved Indians. One court (serving the Zuni and Ramah areas) indicated that it had no cases involving reservation youth during 1974 because any situations involving reservation Indian residents were referred back to the tribes for disposition.

Three state courts (Leech Lake, Turtle Mountain, and Kotzebue) provided some data, usually in the form of estimates, indicating varying numbers of Indian child welfare-related cases in 1974. One of the courts was at a PL 280 reservation site (Leech Lake), one was at a non-PL 280 reservation site (Turtle Mountain), and one was at a nonreservation site (Kotzebue).

The court serving the Kotzebue area reported the most child welfare-related cases, with the highest number of cases (forty-five) falling in the category of protective cases. This count also indicated approximately thirty foster home placements, eighteen delinquency cases, and six institutional placements of children and youth from Kotzebue during 1974. At Turtle Mountain the state court reported only a few cases of youth in all categories, with the exception of 159 Turtle Mountain juveniles who had appeared informally before the court's juvenile supervisor. The court serving the Leech Lake area reported the following cases in 1974: eleven foster care placements, twelve protective cases, three institutional placements, and fourteen delinquency cases. None of the courts reported any adoptions involving Indian children.

Responsibilities in Indian Child Welfare Cases. Respondents were asked to identify any different court responsibilities or procedures in cases involving Indian or Alaska Native children from the community or the reservation in their areas. Four of the six courts which have jurisdiction over Indian children reported differences (the county court for

Makah, one of the county courts at Leech Lake, the county court near the terminated Klamath Tribe, and the county court which has jurisdiction on the Passamaquoddy reservations). All four emphasized the placement of Indian children with Indian families, and three of the four also mentioned using other Indian resources (such as tribal probation offices and BIA boarding schools) in place of usual non-Indian resources. The chancery court in Mississippi, which has disputed concurrent jurisdiction over Choctaw children, also mentioned attempting to use Indian resources and agencies as a special procedure for Indian children.

The three state courts adjacent to field study reservations in non-PL 280 states indicated not having any special formal procedures or policies for Indian children, although two did report having relationships with tribal authorities regarding tribal children and youth. At Turtle Mountain the district court and the tribal court have a verbal agreement regarding transfer of cases on and off the reservation (e.g., reservation youth picked up off the reservation are transferred to the tribal court), and at both Turtle Mountain and Zuni the state courts extend courtesy supervision to tribal children and youth off the reservation at the request of the tribal court.

With respect to recognition of tribal court orders, the respondents from the two county courts in Minnesota, a PL 280 state, indicated they definitely would not recognize tribal court orders. Two more court respondents stated that they had never had any tribal court orders before their courts. One of these (the chancery court for Choctaw) said it would grant recognition if the tribal court had jurisdiction, and the other (the circuit court for Makah in the PL 280 state of Washington) said that it would admit and consider a tribal court order, although it would not be bound by law to recognize it. Two of the state court respondents in areas where there have been no tribal courts (Kotzebue and the Passamaquoddy state reservations) stated that the question of tribal court order recognition did not apply to them. Three other courts stated that in certain circumstances they recognize tribal court orders, such as when due process is followed (Klamath County Court) or when tribal children are placed off the reservation by tribal courts (district court serving Ramah and Zuni and superior court serving Window Rock).

Referral Patterns. All of the court respondents reported that Indian cases came to their attention through county social workers and state or county police. Four respondents also reported that tribal police were a referral source, and three stated that BIA social workers were a referral source.

Respondents were also asked to identify referral resources which they might use for Indian or Alaska Native cases. While most indicated they would consider use of a broad range of referral sources, some respondents qualified their answers by indicating that decisions on whether or not to use certain resources for Indian children was often based on whether a child resided on or off a reservation. Approximately half of the respondents stated that they made referrals primarily to county social services when an Indian child resided off the reservation and to BIA social services and/or Indian-run programs and facilities when a case involved an Indian child living on a reservation. Two respondents indicated they made referrals to tribal social service programs.

Desired Changes in Court Policies and Procedures. Only two of the ten courts indicated they felt there were needed changes in their courts' policies and procedures concerning Indian child welfare cases. The court serving the Choctaw site reported a need for better coordination between Indian agencies and the court and a need for further clarification of jurisdictional issues. The respondent at the Klamath site was concerned over dispositions of cases involving Indian people and expressed a wish for more Indian resources so that referrals to non-Indian programs could be avoided.

Tribal Police

Nine of the eleven reservations included in the study (Choctaw, Crow, Gila River, Makah, Navajo, Turtle Mountain, Zuni, Pleasant Point, and Indian Township) have on-reservation police forces which are either under the auspices of tribal governments or are arms of the BIA. (Both types are referred to as "tribal police" throughout this section.) There are no tribal police at the Leech Lake or Menominee reservations (although plans are under way to reconvene a tribal police force at Menominee) or at the off- and nonreservation rural sites (the terminated Klamath tribe and the Oklahoma and Alaska sites). Although it is in a PL 280 state, the Makah Reservation has a tribal police force because the tribes in Washington have retained jurisdiction over certain matters.

Staff Composition and Staff Development. The staff size of the tribal police forces varied, with most having between five and fifteen officers. The Navajo Police, which serve the entire reservation rather than just those portions included in the study, reported the most staff, with 297 uniformed personnel. The smallest staff was reported at

Pleasant Point (four) and Indian Township (three). Most of the forces had all-Indian staffs, although some reported one or two non-Indian staff members. At Choctaw and Makah the captains of the forces were non-Indian.

Three of the nine respondents (at Choctaw, Navajo, and Turtle Mountain) indicated that there were special staff persons on their forces who worked with juveniles. At Choctaw a criminal investigator is assigned to juvenile cases involving delinquency, delinquency prevention, and child neglect. This staff person also acts as a probation officer for the tribal court. At Navajo one patrolman in each of the five districts into which the tribe divides the reservation is responsible for juvenile-related offenses. Those specifically involved in juvenile matters at Turtle Mountain are a director of the tribal probation department, two probation officers, and a liaison officer who serves as a service counselor.

Three of the nine respondents (at Choctaw, Gila River, and Navajo) indicated that members of their forces had participated in staff development or training sessions on Indian child welfare matters during the past year. At Choctaw, police participate in regular meetings twice monthly with social services staff, and the Choctaw Youth Development Corporation also provides input in juvenile matters. The staff at Navajo had participated in training sessions on juvenile problems, particularly on drug problems, and the Gila River tribal police respondent reported attending sessions on child molestation.

Avenues for Community Input. Five departments reported that there were ways for Indian families and/or tribal authorities to participate in policymaking for their departments. Most indicated that the tribal councils, usually through their law and order codes, provide input. At Makah there is also a law and order committee which provides input. Although it is not a part of the tribal council, it is attached directly to the police force and is composed of persons from the community. At Turtle Mountain the Juvenile Delinquency Prevention Commission, which is appointed by the tribal council, acts in this capacity.

Child Welfare-Related Cases. The respondents were asked to provide data on the number of child welfare-related cases which came to the attention of their departments during 1974. Four departments stated they were unable to provide any information on caseloads, either because their departments kept no statistics during 1974 (one began recordkeeping in July 1974) or because the statistics were not kept in a way which allowed retrieval of information on the various types of juvenile cases. Of the remaining five police forces, the single category cited by all respondents was delinquency cases (see table 3-4). At Choctaw, fifty-one cases of neglect and/or abuse were also reported (at this site the Office of Child Development [DHEW] funds a child abuse research and demonstration project).

Referral Patterns and Relationships with Other Agencies. Most of the tribal police respondents reported that cases came to their attention from tribal courts, tribal councils, tribal organizations, BIA social services, and family or friends. Only three reported that cases came to their attention from county welfare departments.

Respondents were asked whether or not there were any working arrangements between their departments and county or other local police in their areas regarding juvenile cases. All reported that they had some informal or formal agreements. These relationships vary from site to site and involve such things as sharing of information, agreements that tribal police are to be contacted when reservation juveniles are picked up off the reservation, and cross-deputization.

Seven of the nine tribal police departments reported the use of referral resources for juvenile cases. Those most frequently mentioned were BIA and IHS social services. Where there were child welfare programs within tribal structures (such as the Makah Child Development Center, Gila River Child Protection Agency, and Choctaw Youth Development Corporation), tribal police respondents also indicated using them as resources, particularly in cases of child abuse and neglect and in other situations where they felt counseling was needed. In addition, two of the tribal police departments (Choctaw and Navajo) indicated cooperative efforts with other tribal organizations to provide sports and recreational programs for tribal youth.

Desired Changes in Departmental Policies and Procedures. Over half (five of nine) of the tribal police responded that changes were needed in their departments. Two of the respondents reported a need for updating juvenile codes to include matters relating to delinquency, abuse, and neglect. The others indicated that they had a need for counseling services for juveniles and a need to upgrade the existing social service programs on their reservations to include more follow-up services. A final respondent expressed concern about developing ways to motivate parents to be more responsive to children's needs and to correct what he saw as excessive parental permissiveness.

TABLE 3-4

1974 JUVENILE OFFENSES REPORTED BY TRIBAL POLICE

Site	Number of Offenses
Choctaw	63
Zuni	479
Gila River	261
Turtle Mountain	332
Navajo (FY 1973)	
Federal offenses (major crimes)	84
Tribal offenses	1,469
Traffic--state	239
Traffic--tribal	655

County and City Law Enforcement Agencies

Interviews were sought with county and city law enforcement agencies at all of the nonurban sites. As with state courts, county and city law enforcement agencies adjacent to non-PL 280 reservations were included in order to explore possible interfaces between non-Indian and tribal law enforcement agencies in these circumstances.

Sixteen interviews with non-Indian law enforcement agencies were completed with respondents adjacent to or within ten of the sixteen nonurban field sites included in the study. At five of these ten sites (Gila River, Kotzebue, Makah, Window Rock, and Zuni) interviews were held with one law enforcement agency (four were with county sheriffs' departments and one--Kotzebue--was with a division of the state police). At the other five sites (Choctaw, Crow, the Klamath area, Ramah, and the Clinton-Hammon area) interviews were held with representatives of two or more law enforcement agencies (e.g., either sheriffs' departments from two counties, a county sheriff and city police department, two city police departments, or, in the case of the Clinton-Hammon area, two county sheriffs' offices and two city police departments).

Interviews were not held with local non-Indian law enforcement personnel at five sites (Leech Lake, Menominee, Indian Township, Pleasant Point, and Turtle Mountain), either because of the unavailability of the law enforcement personnel for interviews during the scheduled field visits or because of their refusal to participate in the survey.

Staff Composition and Staff Development. The staff size of the departments interviewed varied considerably, depending on the jurisdictional areas served. Some reported as few as 2 or 3 staff members, while one department reported as many as 115 staff persons. Six offices reported a staff of between 10 and 30 persons. Two departments stated that they had full-time juvenile officers, and one department reported that a juvenile officer was sent by the circuit court once a week to provide services. None reported having any staff persons who dealt specifically with Indian juveniles.

Five departments indicated having Indian staff serving as deputies. Four of these were located in the Southwest and were police forces and sheriffs' departments adjacent to the Gila River, Window Rock, Ramah, and Zuni sites. The fifth was a police force in the Clinton-Hammon area which reported having two Indian patrolmen on its staff. Two more departments (forces adjacent to Choctaw and Makah) indicated having plans to recruit Indian staff. Only one of the sixteen respondents (a city police department in the Klamath area) reported participating in any staff development relating to juveniles during the past year; here juvenile staff had attended sessions on child abuse, although the sessions were not specifically related to Indians.

Avenues for Indian Input. Four respondents reported having formal advisory boards to their departments. At one site, a merit system board with no Indian members set standards for hiring personnel; at another, a police committee with no Indian members was appointed by the mayor and city council. The other two respondents were from police forces serving the Clinton-Hammon area, and both reported that the Committee of Concern, an Indian organization, served in an advisory capacity to the departments. Only two of the sixteen departments reported any other vehicles for Indian input [illegible] their departments' policies and/or procedures concerning Indian juveniles. One was the county sheriff's department in the Makah area, where regular and open communication and clarification of policies between the sheriff's office and tribal police were reported. The other was the state police respondent at Kotzebue, who reported attending all meetings of a juvenile advisory committee set up under the sponsorship of the city of Kotzebue.

Indian Child Welfare Cases. Thirteen of the sixteen respondents reported that juvenile case statistics were not available through their departments, either because they were kept by other agencies (e.g., courts, corrections departments, or welfare departments) or that they were sent by the respondents' departments to central data compilation points and could not be retrieved in the form requested by the interviewers. Only three respondents gave some estimation of the number of Indian children and youth from the field sites who had come to their attention in recent months, and project staff felt that even these data were too sketchy to be reported with any confidence.

Referral Patterns and Relationships with Other Agencies. The majority of the respondents reported that cases involving Indian juveniles usually came to their attention from other police forces (either other local non-Indian forces or tribal police) or from family and friends. The identification of referral resources used by the respondents was incomplete. Several respondents stated they did not know where children were referred by their departments, and others mentioned utilizing only one or two resources. The most frequently mentioned resource was the county welfare department. Four respondents also indicated making referrals to Indian-oriented agencies, such as BIA social services, tribal police, Indian centers, and IHS.

Police and sheriffs' departments were asked if they had any formal or informal working arrangements with tribal or other Indian organizations concerning Indian juveniles from the field sites. Half of the respondents (eight of sixteen) reported that they had worked out some kind of arrangement with Indian authorities for handling cases involving Indian juveniles. Most of these involved informal agreements between the non-Indian law enforcement agencies and tribal police, whereby juveniles from reservations who were apprehended off the reservations were returned to the reservations for disposition. A respondent from the department serving the Navajo area reported a mutual agreement with the tribal police whereby each force assisted the other in locating the parents of a reservation child picked up off or on the reservation. In contrast, the four departments serving the Clinton-Hammon area and the Kotzebue state police indicated no distinctions in the ways they handled cases involving Indian and non-Indian juveniles (i.e., there were no special contacts or agreements with any tribal or Alaska Native groups).

Respondents were also asked to identify any special responsibilities they might have when they felt an Indian child had been neglected or abused by his or her family. Of the seven departments which responded, most reported that when a case involving an Indian family living off the reservation came to their attention they referred the family to the county social service department. It was generally assumed that when offenses occurred on the reservation they were handled by tribal authorities.

Desired Changes in Departmental Policies and Procedures. Only two of the sixteen respondents reported that they felt a need for changes in their departments' handling of Indian child welfare-related situations. One city police department reported a need for special funding in order to provide sports and other activities for Indian children; another city police department in a non-PL 280 state reported a need to be able to hold reservation Indian juveniles picked up off the reservation until their parents could be located.

Legal Services

1 Eleven offices providing legal services were interviewed at the nonurban sites. Of these, four were located on reservations and designed specifically to serve tribal members (Gila River, Zuni, Navajo, and Leech Lake). The other seven were offices which provide services to low-income residents in county or multicounty areas which include, but are not specifically for, reservation or nonreservation Indian communities (Turtle Mountain, Makah, Menominee, Crow, Klamath, Kotzebue, and Passamaquoddy). However, two of these six have some special Indian-oriented services. Pine Tree Legal Services Assistance, Inc., which serves the county which includes both Passamaquoddy reservations, includes an Indian Legal Services Unit, while at Makah, Olympia Legal Services now has an outstation on the reservation as a result of a request by the tribal council.

The funding sources for these agencies vary but generally include federal sources as well as state sources in the case of off-reservation programs. One respondent (Gila River) indicated that full financial support for that program came from the tribe. A few respondents also mentioned private foundations and donations. For example, Pine Tree Legal Services mentioned receiving some monies for the Indian unit from the Native American Rights Fund (NARF).* All of the respondents indicated their programs did not have any special monies or projects specifically allocated for child welfare concerns.

Staff Composition and Staff Development. Three of the four offices on reservations have some Indian staff, but only one reported having an Indian lawyer. Only two of the seven offices which were not based on reservations reported Indian staff. One of these had four Indian paralegals and the other reported Indian support staff. None had an Indian attorney.

The majority of the respondents, including those programs designed to serve a broader population, reported having outreach or advocacy workers for Indians. The reservation programs usually reported having tribal court advocates, with one program having both a juvenile advocate and an adult advocate. Five of the off- or nonreservation offices had attorneys, law students, paralegal workers, or community aides specifically assigned tasks as outreach workers for Indians.

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*See chapter 3.

Two of the offices on reservations reported some staff training in Indian child welfare during the past year. One reported attending local and national conferences on child welfare, and the other indicated that staff had attended training sessions on adolescents run by a state university. In contrast, none of the off- or nonreservation offices reported any staff development or training in Indian child welfare during the past year.

Avenues for Indian Input. Three of the four reservation programs reported having formal advisory boards which included both Indians and non-Indians in their memberships. The fourth (Gila River) reported that the tribal council serves as its advisory board. Of the seven offices located off-reservation or in nonreservation areas, three reported having one or two Indian board members, and four did not have any Indians serving on their boards.

Three of the on-reservation offices reported relationships with their tribal councils which result in input into the legal services program, while the office at Kotzebue receives some direction from the social services arm of the Northwest Alaska Native Association. Only one other means for Indian members of the community to have input into the policies and procedures of legal services programs was reported. This was at Navajo, where the respondent stated that committees elected on the basis of geographic area make recommendations to the board of directors of the legal services programs.

Indian Child Welfare Cases. Respondents were asked about the number of child welfare cases (including number of Indian children) which came to their attention during 1974. Most respondents were unable to provide these figures. Only one reservation office indicated the number of child welfare cases it had handled. This was Zuni, where the legal services staff assisted in thirty adoptions, two foster care placements, and one institutional placement. Two of the seven off- or nonreservation offices provided estimates. The office serving the area near the Crow Reservation reported assisting in approximately ten Indian adoptions by grandparents and two cases involving Indian delinquents. At Kotzebue the respondent reported assisting in four Alaska Native adoptions and one Alaska Native protective services case.

Policies and Procedures in Indian Child Welfare Cases. Respondents in the offices serving non-Indians as well as Indians were asked to identify procedures or policies of their offices which were different for Indian children. Only two of the seven respondents in this category reported any distinctions in services; the Makah respondent stated that cases involving delinquents from the reservation were referred for services to the tribal social service program, while the Crow respondent stated that the BIA is sometimes used by the office to investigate in reservation cases involving permanent guardianship.

Legal services respondents were asked to identify any changes they felt should be made in tribal or state court procedures regarding Indian child welfare cases. Two reservation offices responded. One felt a need for tribal courts to expand probation services and to require more complete evaluations of foster and adoptive homes, while the other felt there was a need for state court systems to work more closely with tribal authorities. Responses by the off- or nonreservation offices included: the need for tribal courts to develop regular procedures for handling child welfare cases and updating of tribal court records; the need for state courts to be more accessible to reservation residents (at Makah the court is seventy miles away); the need to keep Indian and/or Alaska Native people informed of changes in court procedures; and the need to acquire a better understanding of cultural differences, particularly as they relate to child-rearing practices.

Referral Patterns. The reservation legal services staff reported tribal police, family, friends, and BIA social workers as the most frequent ways clients came to their attention. Three of the four offices reported making referrals to BIA, IHS, and/or tribal social service programs. At Zuni no referral resources are used.

Most of the offices serving a broader population reported that Indian clients usually came to their attention from tribal and/or local police, county social service agencies, IHS and BIA social services, and families or friends. The referral resources mentioned most frequently by these respondents were county social service agencies. Two also reported using tribal social service programs and IHS, while only one mentioned making referral to BIA social services.

Desired Changes in Agency Policies and Procedures. Those offices located on reservations reported the need for more professional and paralegal staff, more funds, and, in one case, the need for developing new procedures for dealing with juvenile cases. The change most frequently mentioned by the seven off- or nonreservation area offices involved increasing the awareness in Indian communities of the availability of the legal services programs. The need for more monies to run the programs was also mentioned.

FINDINGS AT URBAN SITES

State Courts

Within the state court system the member court responsible for juvenile and child welfare cases was interviewed at each of the four urban sites (Chicago, Seattle, Rapid City, and Phoenix).

Staff Composition, Staff Development, and Avenues for Indian Input. None of the courts had Indians on their staffs, and only one court indicated staff participation in training sessions relating to Indian child welfare cases during the past year. This court was located in Seattle and had had staff attend special sessions run by the foster care unit of the court. Only one court (Chicago) reported a formalized advisory board, the Citizens' Committee for Juvenile Delinquency. While the respondent stated that this committee provides for input from all citizens, Indian membership on the board was not indicated. At Seattle, the court stated that input in Indian cases occurs on a case-by-case basis, usually through staff from the Indian Heritage School or Indian centers or through other Indian paraprofessionals.

Child Welfare Cases. All of the urban courts stated they were unable to provide information on numbers of Indian juvenile cases that had appeared before their courts during 1974.

Responsibilities and Procedures in Indian Child Welfare Cases. Only in the Phoenix court were procedures in cases involving Indian children indicated to be different from regular court procedures. Children who live on a reservation close to Phoenix are returned to the reservation for disposition in delinquency cases and those involving foster care placements.

Each of the courts was asked whether and under what circumstances it recognized tribal court orders. The court in Rapid City stated that it recognized tribal court orders in all child welfare categories, except in institutional placements. The court in Phoenix indicated no recognition of tribal court orders, and the Seattle court stated that it did not recognize tribal court orders, except for adoptions, where tribes have child welfare jurisdiction. The Chicago court stated that the question did not apply since there are no reservations in Illinois.

Referral Patterns. All courts reported that Indian child welfare-related cases came to their attention through county or local police, county welfare departments, and families or friends. Only the court in Rapid City mentioned Indian-oriented agencies (IHS and Indian centers) as vehicles through which Indian cases came to its attention.

Three courts (Chicago, Rapid City, and Seattle) responded to questioning on community resources used in making referrals. In all three cases respondents reported referrals to Indian-run and/or Indian-oriented programs (e.g., Indian centers), as well as to non-Indian programs and agencies.

Desired Changes in Court Policies and Procedures. All four respondents from the urban courts indicated that they felt no changes were needed in their courts' policies and procedures in cases involving Indian children.

County and City Law Enforcement Agencies

Six local law enforcement departments were interviewed at the four urban field sites. They included: in Seattle--city police and county sheriff (two departments); in Phoenix--city police and county sheriff (two departments); in Rapid City--city police (one department); and in Uptown Chicago--city police area office (one department).

Departmental Structures, Staffing Patterns, and Avenues for Indian Input. Five of the six departments had special law enforcement units and social service staff who dealt specifically with juveniles. However, only the Phoenix city police respondent stated that his department had special staff persons assigned to Indian juvenile cases (the department provides a police officer who assists with the youth services program at the Phoenix Indian School).

Three of the six departments reported that they had no Indian staff (Chicago area office, Seattle city police, and Seattle county police). However, in Phoenix, the sheriff's department had one Indian deputy and one Indian detective, and the city police reported two Indian patrolmen.

At Rapid City, there was one Indian patrolman and one Indian dispatcher. None of the departments indicated having participated in staff development programs relevant to Indian child welfare during the past year. Rapid City was the only department which reported having citizen policy-making or advisory boards (a Human Relations Commission with one Indian member and the City Council). No other special ways for Indian input into any of the departments were reported.

Indian Child Welfare or Juvenile Cases. All of the departments reported that information regarding numbers of various types of juvenile cases involving Indians in 1974 were not available through their offices. Reasons offered were: that a different case category scheme was utilized; that Indian cases were not distinguished from non-Indian cases; and that statistics were compiled at a central office and were not available by subarea.

Referral Patterns and Relationships with Other Agencies. All respondents indicated that Indian juvenile cases came to them from a variety of sources, including county social services (protective services), families, friends, schools, and other law enforcement personnel. The Phoenix city police reported that cases also came to their attention from BIA and IHS social workers and from Indian centers.

Referral patterns for the departments varied. However, in general, few referral resources were mentioned. County social services was the one referral resource mentioned by all respondents. Three mentioned working with or through schools to provide needed social and recreational services to Indian youth. Two (sheriff's department for Phoenix and police in Rapid City) also reported referrals to tribal law enforcement and service agencies and to urban Indian organizations, as well as cooperative investigative work with tribal law enforcement personnel.

Desired Changes in Departmental Policies and Procedures. None of the respondents perceived a need for any changes in their departments' policies and/or procedures concerning Indian juvenile- or child welfare-related cases.

Legal Services

Interviews were held with four legal services offices at three of the four urban sites (two at Phoenix, one at Seattle, and one at Rapid City). The Seattle program and one of the Phoenix programs were units within Indian centers and were intended to focus on Indian people. The other Phoenix program and the Rapid City program were designed to serve all low-income people in these communities. There was a similar communitywide legal services program in Chicago, but an interview was not completed with that office.

Respondents reported that funding for the Indian program located at the Seattle Indian Center was through ONAP. The Phoenix Indian Center's program is in the developmental stages and is currently being staffed by volunteers while Title XX funding is being sought. Neither program nor the two communitywide programs had any special monies designated for child welfare.

Staff Composition and Staff Development. None of the legal services programs reported having Indian lawyers on their staffs. At Seattle, there was an Indian paralegal worker and an Indian secretary, and at Rapid City one of the support staff was Indian.

Three of the four respondents stated there were staff members (e.g., attorneys, paralegal workers, or law students) with responsibility to act as outreach or advocacy workers for Indian people in their areas.

No participation in staff training or development related to Indian child welfare in the past year was reported by any of the respondents.

Avenues for Indian Input. None of the respondents reported any formal or informal means for Indian members of the community to have input into the policies and procedures of their offices. However, the Rapid City respondent mentioned that that office had sent a questionnaire to Indian service organizations in the community in order to assess the direction the program should be taking in Indian cases.

Indian Child Welfare Cases. None of the respondents reported assisting in any juvenile or child welfare cases involving Indian children during 1974.

Desired Changes in Policies and Procedures of Tribal or State Courts. All of the respondents felt there were needed changes in state court systems regarding Indian child welfare cases, while none of the respondents mentioned desiring changes in tribal court systems. Examples of needed changes included: recognition of tribal court orders by state courts; use of Indian rather than non-Indian agencies when referring Indian cases for services; employing Indian social workers in the state court system; and promoting greater recognition of cultural differences by court personnel.

Referral Patterns and Relationships with Other Agencies. Legal services at the urban sites indicated they usually received clients on referral from county social service agencies, Indian centers and organizations, or families and friends. However, they varied widely in terms of the range and number of resources utilized in making referrals. For example, one respondent reported referring only to tribal social services, while another reported making referrals to many types of Indian and non-Indian formal and informal resources. The remaining two reported using a small number of established community service agencies as resources. Beyond the referral patterns briefly mentioned above, no specific relationships with other agencies for child welfare-related purposes were cited by any of the respondents.

Desired Changes in Agency Policies and Procedures. All four urban legal service respondents indicated changes they felt were needed. The Seattle respondent felt more legal services were needed for Indian people, particularly in the area of the protection of Indian children's property rights. Changes mentioned by other respondents included more publicity to Indian communities about legal services programs, more outreach work with Indians, and a better understanding of cultural differences.

SUMMARY

As would be expected, tribal courts and tribal police reported having predominantly Indian staffs. Legal services programs located on reservations also had predominantly Indian staffs, but only one of these programs reported having an Indian lawyer. Most state and county agencies have no Indian staff; a small minority of the state courts with jurisdiction over Indians reported having Indian staff; and only one-third of the county or city police forces reported having Indian law enforcement staff. Two other police departments reported plans to hire Indians.

The major focus of training programs related to child welfare in which law enforcement agencies participated was reported to be child abuse and neglect. Respondents located on reservations reported the most active participation in staff training. Most tribal courts reported the existence of training programs, and one-third of the tribal police and half of the legal services programs located on reservations stated that staff had been participants in special training sessions. This would seem to indicate an increased awareness and concern for child abuse and neglect problems on reservations.

Because comprehensive data were not provided by any of the respondents, it was not possible to obtain a clear picture of exactly how many Indian children come to the attention of police and legal services or are processed through state and tribal courts. Most of the cases reported by tribal courts and tribal police were delinquency cases, and a small number of legal services assisted in adoption cases, usually adoptions by relatives. Although most local police departments reported that they did not keep any statistical records, those few who did estimated small numbers of cases in the categories of abuse, delinquency, and children in need of supervision.

Within the tribal structure, the relationships reported between tribal courts and tribal councils showed no clear patterns but varied from site to site. Two courts indicated formalized procedures whereby councils are informed of any actions taken by courts; other courts indicated informal arrangements which allow tribal councils to have input into tribal court child welfare-related policies and procedures; and some reported no relationships in cases involving children.

Tribal and state courts were asked about patterns of recognition of court orders. Approximately half of the tribal courts indicated recognition of state court orders, although one court specified that orders were only recognized in cases which did not involve protective or group home placement cases. State courts with jurisdictional areas which included reservation sites indicated varying responses, depending on the status of the reservations (there was no recognition of tribal court orders by state courts in PL 280 states) and their experiences with tribal courts (some had never had tribal court orders appear before them). Several mentioned that recognition was extended when placements occurred off the reservations or in protective cases. Only one state court respondent indicated that there were formalized agreements with tribal courts in that area; again these agreements were in protective cases. At this site, the state has agreed to extend courtesy supervision to a child under tribal jurisdiction placed off the reservation under tribal court order.

The majority of both tribal and local police reported that some formal or informal working relationships existed between their departments. These usually involved agreements on procedures when an Indian juvenile was picked up off a reservation or when a non-Indian was picked up on a reservation. In these cases, juveniles were returned to the area which had jurisdiction (departments had worked out ways to accomplish this). Others reported ways that departments had worked out systems of mutual cooperation, including location of parents when a child was picked up, information sharing, and, in a few instances, cross-deputization.

About half of the court and police respondents said they had working relationships with other resources in order to provide services for Indian children. Those located on reservations (tribal police and tribal courts) usually worked with tribal organizations of the BIA. Those located off the reservations (state courts and county or city police) usually worked with resources off the reservations, such as Indian centers and schools. Two of these respondents reported arrangements with tribal probation departments. Legal services, especially those located on reservations, reported the most use of other community resources.

The distinctions between which referral resources were used by which of the respondents for Indian child welfare cases were based largely on the jurisdictional area the agencies served. State courts and county or city police were most likely to refer to county social service agencies, while tribal courts and tribal police used tribal resources located on reservations, such as BIA and IHS social services, BIA boarding schools, tribal social service programs, and special reservation youth programs or facilities. Although a small number of court and police respondents mentioned referrals on and off reservations, this sort of referral seldom occurred. Legal services located on the reservations also tended to utilize tribal resources, while those located in communities off the reservations usually referred to county social services.

Over half of the state court respondents reported differences in procedures in cases involving Indian children. Most expressed a concern or an awareness that priority should be given to placing Indian children in Indian foster homes, BIA boarding schools, or Indian-run facilities. Others indicated different working arrangements in delinquency cases. These usually occurred with tribal courts whereby courtesy supervision was arranged between courts or probation departments of courts. Another procedure described by one respondent was a verbal agreement with the tribal court concerning the transfer of Indian juvenile cases on and off the reservation.

Overall, few of the respondents expressed a perceived need for changes in their court, departmental, or office policies or procedures in Indian child welfare-related cases. For example, none of the urban courts or police respondents indicated a need for any internal changes in their organizations. The respondents mentioning the most needed changes were tribal court and tribal police representatives, who usually desired an upgrading, expanding, and/or clarification of tribal roles and services to juveniles and their families.

PART 4

PERCEPTIONS OF PROBLEM AREAS AND POLICY ALTERNATIVES

CSRD's mail questionnaires and field interviews with agency personnel included several questions asking respondents their perceptions of problem areas and possible alternatives in the field of child welfare services. One group of questions concerned nine specific policy or program alternatives which have been suggested as ways of making child welfare services more responsive to Indian needs. These nine alternatives included:

1. Subsidized adoptions for Indian children placed with Indian families
2. AFDC-FC payments to relatives
3. Day care payments to relatives
4. Enrolling children in tribes prior to adoption
5. Recruiting Indian foster and adoptive parents
6. Notifying tribal officials about placements of Indian children
7. Recognition of tribal court orders regarding child welfare cases
8. Special licensing standards and/or procedures for Indian day care and/or foster care facilities
9. Special staff and/or outreach programs for Indians

Respondents were asked to indicate whether they felt each policy was desirable and to explain why they felt as they did.

At the end of the interviews or mail questionnaires, respondents were asked open-ended questions about the following topics:

1. Changes in Indian child welfare services over the last five years in their communities
2. Whether Indians or non-Indians in their communities were getting better child welfare services and why

3. The major problems faced by Indian families in raising children

4. Unique factors relating to Indian family life which should be taken into consideration in the planning and delivery of child welfare services to Indian families

5. Specific problems encountered in working with Indians

6. Any special child welfare-related activities or approaches to service provision for Indians that respondents would like to see tried

PERCEPTIONS OF NINE POLICY AND PROGRAM ALTERNATIVES

As table 3-5 indicates, a large majority of respondents favored each of the nine policy or program alternatives. The only statistically significant differences between respondent groups were the differences between state child welfare agencies and other respondents. Over half of the state child welfare agency respondents who answered the questions indicated that they did not feel that four of the alternatives were desirable: subsidized adoptions for Indian children placed with Indian families, AFDC-FC payments to relatives, day care payments to relatives, and special licensing standards or procedures for Indian day care or foster care facilities. Several state agency respondents commented that they disapproved of these policies because they involved singling out Indians for special attention instead of making the same services available to all persons. No other respondents, including officials in county welfare offices, expressed this concern.

Subsidized Adoptions for Indian Children Placed with Indian Families

Eighty-two percent of the persons expressing an opinion stated that they were in favor of subsidized adoptions for Indian children placed with Indian families. Typically those who favored this alternative wished to avoid the placement of Indian children with non-Indian families and and in institutions. As one respondent stated, such a procedure "would accommodate a placement with a family, especially of the same tribe, who might otherwise not be able to adopt." Another person who responded favorably noted that: "Of course--finances should not deprive a family of a child."

TABLE 4-5

PERCEPTIONS OF NINE POLICY AND PROGRAM ALTERNATIVES

Alternatives	State Child Welfare Agencies (N=17)					Total All Respondents (N=135)				
	Yes	No	Don't Know	No Response	Other	Yes	No	Don't Know	No Response	Other
Subsidized adoptions for Indian children placed with Indian families	6	9		2		103 (82.4%)	22 (17.6%)	1	9	
AFDC-FC payments to relatives	6	7		4		105 (88.2%)	14 (11.8%)	1	15	
Day care payments to relatives	6	7		4		97 (85.8%)	16 (14.2%)	4	17	1
Enrolling children in tribes prior to adoption	11	1	1	4		107 (94.7%)	6 (5.3%)	6	16	
Recruiting Indian foster and adoptive parents	13	2		2		125 (96.2%)	5 (3.8%)		7	
Notifying tribal officials about placements of Indian children	9	2	1	5 -2		82 (75.9%)	26 (24.1%)	9	18	
Recognition of tribal court orders regarding child welfare cases	9	2		6		[illegible] (92.7%)	7 (7.3%)	5	29	5
Special licensing standards and/or procedures for Indian day care and foster care facilities	[illegible]	6		1		91 (74.6%)	31 (25.4%)	2	11	
Special staff and/or outreach programs for Indians	9			1		[illegible]	[illegible]	2	10	

Some who opposed this alternative felt that finances should not enter into any adoption ("it should be like a natural birth with no money involved"). Others felt that a subsidy should be available for any needy family adopting a child but that it should not be used as a deliberate tool to increase Indian placements. A small number of Indian respondents were opposed to the idea of subsidized adoptions because they felt that such adoptions were against the cultural tradition of caring for those in need without expecting reimbursement.

AFDC-FC Payments to Relatives

An overwhelming majority (88 percent) of the persons who expressed an opinion indicated that they approved of making AFDC-FC payments available to relatives caring for children. A typical comment was that permitting relatives to receive AFDC-FC payments was a positive way to keep children within their extended families and to decrease the number of off-reservation or non-Indian placements. Many respondents remarked that implementation of this alternative was a high priority need in their areas, while others indicated that AFDC-FC payments to relatives were already made in their areas. Many who favored AFDC-FC payments to relatives qualified their favorable responses and indicated that they hoped that high foster care payments would be made only when placements were made and supervised by licensed child-placing agencies, not if placements were informal and arranged solely through the family.

Of those who indicated disapproval of the alternative, some felt that motives would not be the best if payments were involved, while some state respondents again felt that such a policy would be equivalent to showing favoritism to Indian families.

Day Care Payments to Relatives

Respondents' attitudes toward the possibility of giving day care payments to relatives were similar to their attitudes toward the possibility of making AFDC-FC payments to relatives. However, 86 percent of the respondents who stated an opinion favored this alternative. In their comments, many respondents stated that payments should be made only under special circumstances, such as when relatives were "really" unable to provide such care without reimbursement or when a child with special needs was not likely to be cared for elsewhere. Many of those in favor of this alternative said that it was better for Indian children to be cared for by family members because of the importance of the extended-family system in Indian life.

Enrolling Children in Tribes Prior to Adoption

Ninety-five percent of those who stated a preference indicated that they were in favor of enrolling Indian children in their tribes prior to adoption. Most often respondents favored this policy because they felt that heritage and specific Indian entitlements should not be lost through adoption. As one respondent stated, enrollment "would help clarify the youngster's status with programs that could help him."

Twenty-two respondents stated that they did not have an opinion on this issue or that they could not respond because they were not familiar with the concept of tribal enrollment. However, a number of respondents indicated that enrollment of adoptive Indian children was already being done in their areas or that they were making efforts at that time to work out the proper procedures. Many respondents expressed concern about how to accomplish enrollment when a mother desired to remain anonymous.

A few respondents stated that they felt that any adoption implied the total erasing of a child's past, and they were opposed to enrollment for that reason.

Recruiting Indian Foster and Adoptive Parents

All but five (96 percent) of those who responded to the alternative endorsed efforts to recruit Indian foster and adoptive parents. The maintenance of the Indian child's tribal and cultural identity and heritage through placement with Indian foster and adoptive parents was looked upon favorably. Many respondents stressed the need for recruitment efforts in rural areas and stated that the recruitment efforts which had been made had focused on urban areas. A number of respondents expressed the opinion that many Indian families could be found to serve as foster and adoptive parents.

The five respondents who were not in favor of special recruitment efforts offered a variety of reasons for their opposition. One said that recruitment was not necessary because there was already a surplus of approved Indian homes in his area. One state respondent said that it was not necessary to look for Indian families because there were many non-Indian families that were willing to adopt or provide foster care to Indian children. One private agency respondent said that, although he generally felt that Indian families were not qualified to serve as foster and adoptive parents, he "would consider [them] if they were educated and financially qualified."

Notifying Tribal Officials About Placements of Indian Children

This policy alternative was rated favorably by 76 percent of all respondents even though many respondents (20 percent) failed to answer or stated that they did not know how to respond to it.

Those who did respond favorably nevertheless expressed more qualifications than they had when they responded formally to most other questions. For example, one respondent said that he favored notifying tribal officials about the numbers and kinds of placements but that he did not favor notifying officials about individual cases. Others said that they favored notification "on a select basis" or "if there was a specific reason on behalf of the client." Another was in favor, "but not in all cases," any more than he would be in favor of "notifying the county board of supervisors of every non-Indian child in placement." As can be seen from these few examples, respondents who qualified their answers focused on the best interests of the child rather than on the question of tribal sovereignty.

Most of those who responded negatively to this alternative stressed the necessity of confidentiality and their fear that it might be violated in notifying tribal authorities. Several said that they did not know who within the tribal structure should be notified or what would be accomplished by such notification. For example, one Indian center respondent stated that he was philosophically in favor of notifying tribes but that he questioned the practical purpose of doing so if the tribes did not have services or other resources to offer the children in question.

Recognition of Tribal Court Orders

While 93 percent of those expressing an opinion stated that tribal court orders should be recognized, this policy elicited a high rate of nonresponse, with many persons indicating either that there were no tribal courts in their area so that the question did not apply or that they were not familiar with the tribal court system. As was true of notification of tribal officials, most of those who answered favorably did so with qualifications. For example, they agreed with the policy but with the stipulation either that there must be a tribal code to serve as the basis for the court's activities or that the court must follow due process. Some respondents indicated that they favored recognizing tribal court orders except in special areas (e.g., adoptions) or that they favored recognition unless a contest between a state court and a tribal court occurred, in which case they would favor the ruling of the state court.

Those who opposed recognition of tribal court orders stressed their concern about due process in tribal courts. One state child welfare agency official who was apparently unfamiliar with the unique legal status of reservations commented: "One court system is enough in serving all people. . . . the same arguments could be made for any minority group, and that would simply lead to chaos."

Special Licensing Standards and/or Procedures for Indian Child Care Facilities

Although 75 percent of the respondents who stated a preference were in favor of special licensing standards or procedures for Indian child care facilities, this procedure also elicited a large proportion of negative responses (25 percent). Reasons offered for positive responses included the fact that the quality of child care rather than the quality of the physical facilities was important and that regulations should be in line with community standards with respect to such things as running water and space requirements. Other respondents were concerned that some basic level of standards should be met. As one respondent said, "It is also important to have no implication that Indian children require less than other children."

Those who were not favorable toward this procedure expressed the view that special provisions could not be made because of the necessity of complying with HEW regulations or that special provisions necessarily meant a lowering of the quality of care, which was not acceptable. As one respondent noted: "Lowering standards is not equal protection. There are other ways of developing more foster homes." Some stated that special procedures or standards were not necessary because the existing system was sufficiently flexible to allow needed modifications.

Special Staff and/or Outreach Programs for Indians

Ninety-one percent of those expressing a preference favored special staff and outreach programs for Indians. Respondents most frequently suggested that it would be desirable to hire Indian, bilingual, or non-Indian staff familiar with Indian people and acceptable to them. Some of the non-Indians who responded favorably said that special staffing and/or outreach programs were not appropriate for non-Indian agencies but that they would be appropriate for Indian organizations or groups. Some Indians who responded favorably also desired Indian control and direction of such programs.

A variety of reasons were given for opposing this policy. Some respondents felt that there were too few Indians in their area to warrant such programs, while others felt that special programs furthered favoritism or segregation. One respondent felt that special programs increased dissension by increasing the number of people trying to say what should be done.

PERCEPTIONS OF PROBLEM AREAS AND SOLUTIONS

The responses to six open-ended questions about Indian child welfare services were content analyzed and coded by two staff researchers. In most cases there were no statistically significant differences among respondents in different types of agencies or between respondents on reservations as compared to respondents off reservations.

Changes Over the Last Five Years

The first open-ended question asked whether there had been any changes in the last five years in the availability of child welfare services for Indians in the area served by each respondent's agency. Seventy-one percent of the respondents (eighty-three) reported that Indian child welfare services had improved; 23 percent (twenty-seven) reported that there had been no change in services; 3 percent (four) stated that Indian child welfare services were worse; and 2 percent (three) said that they did not know how to respond. Table 3-6 lists the perceived reasons for improvement in Indian child welfare services over the last five years in respondents' communities.

TABLE 3-6

REASONS FOR IMPROVEMENT IN INDIAN CHILD WELFARE SERVICES*

Number of Respondents = 183
Number of Responses = 139

Reason	Number of Respondents Mentioning Reason	Percent of Respondents Mentioning Reason
More staff or services	37	44.6%
More tribal/Indian awareness or involvement	25	30.1%
Better quality of services	25	30.1%
More state/county awareness	15	18.1%
More public awareness	11	13.3%
More placements with or recruitment of Indian foster parents	9	10.8%
More Indian staff	8	9.6%
More interagency coordination	4	4.8%
Better housing for Indians	3	3.6%
Other	2	2.4%

*Multiple responses were allowed for these questions; therefore, percentages do not total 100.

The most commonly cited change was an increase in the number of services available, mentioned by 44.6 percent of those respondents who indicated that services had improved. Some respondents specifically mentioned more staff, while others mentioned new or expanded programs, including day care, a group home, protective services, parent-child education, tribal social services, a juvenile advocacy program, a maternal and child health program, mental health services, and legal services.

Another frequently mentioned improvement was increased awareness of and involvement in child welfare matters by tribes or Indian organizations. More specifically, they mentioned the recent establishment of tribal social services, the fact that Indians were becoming more vocal, the increased exercise of tribal self-determination, and the involvement of tribal personnel in placement decisions.

The improved quality of services was the third most frequently mentioned area. Better trained staff, new approaches in service provision, and an emphasis on strengthening families rather than removing children from the home were listed by respondents as specific examples of improved services.

Other improvements, in descending order of frequency, included: more awareness of Indian needs and problems by state and county officials; more awareness by the public; more recruitment of Indian foster parents and placements with Indian foster parents; more Indian staff; and more interagency coordination (especially between BIA and the county agencies).

Who Gets Better Services?

The responses to this question are shown in table 3-7. Totals indicate evenly divided perceptions of who gets better services. However, within specific categories of respondents there were exceptions. Indian-run agencies in urban areas agreed by a margin of nine to zero that non-Indians get better services, while only one of the fourteen state agency respondents who was responsible for child welfare programs believed that Indians were getting better services than non-Indians. The other thirteen respondents were evenly divided between those who believed that services were the same for all and those who believed that non-Indians received better services.

TABLE 3-7

WHO GETS BETTER CHILD WELFARE SERVICES?

Number of Respondents = 121*

Type of Agency Responding	Indians and Non-Indians Receive the Same Services	Indians Receive Better Services	Non-Indians Receive Better Services
BIA	5	7	3
IHS	1	7	3
County	10	9	5
Urban Indian	0	0	9
Tribal	5	8	5
State	7	1	6
Private	2	1	2
TOTAL	30	33	33

*Twelve respondents replied that they did no know who received better services, and thirteen had no answer to the question.

The reasons behind the different answers are revealing. The urban, Indian-run agencies explained that Indians did not apply for services, either because they were "not aware of services available" or because agencies "pushed Indians away" or felt they could not work with Indians. One additional respondent echoed both of these views with his comment that "Indians are not compatible with the system." Three state child welfare agencies agreed with the Indian-run agencies that Indians were reluctant to apply for services. Three state agencies mentioned that this reluctance may have stemmed from the fact that many Indians live in rural areas and are remote from service-providing agencies. Other explanations of why non-Indians receive better services included jurisdictional problems (four respondents) confusion between the state and the BIA over who had responsibility and what type of responsiblity for service provision (three respondents), and the lack of Indian foster homes (four respondents).

A number of agencies of all types, except for the state child welfare agencies and urban Indian-run programs, shared the feeling that Indians were getting better services. Of the thirty-three respondents in this category, over one-half (twenty) explained that there were more programs specifically for Indians than for non-Indians. Ten of these respondents specifically mentioned BIA, IHS, and tribal programs. Some respondents stated that there were few non-Indians present in their areas and that most local services were provided specifically for Indians by the BIA, the IHS, or the tribe. Two respondents who worked for the Washington Department of Social and Health Services stated that Indians received better services because activists worked for their cause and because of press coverage. In the words of one respondent, "The Indian community is more aware of its needs and local agencies are becoming more aware."

Child-Rearing Problems of Indian Families

Respondents were asked their opinions of the major problems in raising children in the communities served by their agencies. Table 3-8 shows the large number of responses received and breaks responses into nineteen categories.

The most frequently cited problem (mentioned by over half of the respondents) was alcoholism (several respondents also noted that drug abuse was a problem). One respondent felt that alcoholism was the number one problem and that

TABLE 3-8

MAJOR CHILD-REARING PROBLEMS*

Number of Respondents = 108
Number of Responses = 334

Problem	Number of Respondents Mentioning Problem	Percent of Respondents Mentioning Problem
Alcoholism	61	56.5%
Unemployment	45	41.7%
Economic difficulties	36	33.3%
Housing problems	22	20.4%
Lack of educational opportunities	20	18.5%
Prejudice	20	18.5%
Family disintegration	18	16.7%
Problems related to cultural change	15	13.9%
Lack of services/community resources	15	13.9%
Family problems related to child rearing	14	13.0%
Lack of adequate health care	14	13.0%
Lack of recreational activities/facilities	12	11.1%
Unspecified cultural differences/values	12	11.1%
Urban adjustment problems	9	8.3%
Juvenile problems	7	6.5%
Mobility	4	3.7%
Identity problems	4	3.7%
Same problems as non-Indian children	3	2.8%
Other	3	2.8%

*Multiple responses to these questions were allowed; therefore, percentages do not total 100.

all other problems were related to it. Several tribal officials noted that alcoholism is often related to problems of child neglect and mentioned that it was a problem of both juveniles and parents.

Unemployment and economic difficulties, two closely related problems, were cited as the most frequently faced problems after alcoholism. Specific economic problems mentioned included inflation and inadequate income, while inadequate housing was also cited as a problem faced by Indian families.

Twenty respondents mentioned the lack of adequate educational opportunities for children as a problem. Those who elaborated on their responses noted that schools were often poor in quality and lacked Indian awareness and other programs, which often resulted in high drop-out rates.

Prejudice was also mentioned as a problem by twenty respondents. One respondent in tribal services said that there was both Indian and non-Indian prejudice, while a county respondent felt that "Indian paranoia" was the major problem.

Most of the remaining answers concerned either cultural problems or the lack of services. Several kinds of cultural problems were mentioned frequently by respondents. One was the problem of family disintegration. Another group of problems related to cultural conflict and change. In this category respondents mentioned breakdown in traditions, language barriers, conflicts with white culture, and intergenerational conflict. A third group of problems related to child rearing. In this category respondents included discipline problems and the lack of strong role models. Twelve respondents stated that cultural differences or cultural values were problems for Indian families but failed to elaborate on their responses.

Respondents noted that Indian families lacked several services. In addition to mentioning a general deficiency of services and community resources, they noted the lack of adequate health care as well as the lack of recreational activities and facilities for Indians. Nine respondents mentioned problems associated with adjustment to urban living, such as the lack of an extended family to help in child care.

Additional problems which were mentioned by several respondents included juvenile problems (glue sniffing, gangs, delinquency, and a high drop-out rate) and mobility and identity problems. Three respondents believed that Indian and non-Indian families shared the same problems.

Unique Factors to be Considered in Service Delivery

Ninety-seven of the 111 respondents (87 percent) indicated that they thought there were unique factors in Indian family life which should be taken into consideration in the planning and delivery of child welfare services. Seven felt that there were no such unique factors, and seven respondents said that they did not know whether or not there were unique factors. Table 3-9 categorizes the responses of those who said there were unique factors.

The importance of the extended family in Indian culture was cited by respondents most frequently as a unique factor to be considered in social service delivery. Most responses about extended families were positive. For example, one respondent noted: "Families make every effort to care for their own and don't like foster care and adoption." Where extended families were strong, they were seen as rejecting agencies and as providing children with a sense of family, even if parents were not around. Several respondents felt that the impact of the extended family or clan on placements and family problems needed to be understood and taken into consideration by service providers.

A few respondents made negative comments about the extended family. Some felt that welfare funds were spent on the extended family, some viewed the lack of knowledge about nuclear family life negatively, and some attributed crowded foster homes to the extended family.

The second largest number of responses fell into the category of unspecified cultural or value differences. One respondent noted that Indians are of a "totally different culture which outsiders could not understand." Other respondents felt that Indians had a different lifestyle, a different value system, or that Indians were unique. Several respondents stated that because of cultural differences Indians should be served by Indian social workers, that service providers should learn about Indian culture, or that child placements should be within a tribe.

The third largest number of responses related to unique child-rearing patterns. Specific patterns mentioned included "permissiveness" in Indian families, the use of relatives for child rearing, the observation that Indian children are closer to their parents than non-Indian children, and the fact that illegitimate Indian children are "given" to the extended family.

TABLE 3-9

UNIQUE FACTORS FOR CONSIDERATION IN SOCIAL SERVICE DELIVERY*

Number of Respondents = 97
Number of Responses = 133

Factor	Number of Respondents Mentioning Factor	Percentage of Respondents Mentioning Factor
Extended family	37	38.1%
Unspecified differences in culture/values	27	27.8%
Child-rearing patterns	22	22.7%
Problems related to relationships between Indians and service providers	8	8.3%
Language	7	7.2%
Change in service providers' policies	7	7.2%
Close community feelings	6	6.2%
Different definitions of abuse, neglect, and delinquency	5	5.2%
Tribal enrollment	2	2.1%
Alcoholism	2	2.1%
Housing	2	2.1%
Dietary habits	2	2.1%
Other	6	6.2%

*Multiple responses to these questions were allowed; therefore, percentages do not total 100.

Problems Encountered in Working with Indian Families

Respondents were asked whether they had encountered different problems in working with Indian and non-Indian families. Seventy-eight of 119 persons responding to the question said yes (65.5 percent), 32 said no (26.9 percent), and 9 said that they did not know. Table 3-10 shows the specific responses of persons who stated that different problems do arise in working with Indians.

A large number of respondents stated that the problems they encountered in working with Indian families were the result of differences in culture, values, traditions, or customs, but they did not go on to specify just what these differences were. Several respondents noted that service providers should take these differences into account, and others stated that Anglos were often ignorant of these differences. One respondent noted that the diversity of cultural traditions among Indians made understanding difficult for non-Indians.

An equally large group said that there are often communications problems in working with Indians. These respondents generally noted that Indians were more likely to be quiet and less demanding than were non-Indian clients. One respondent commented: "Indians don't show anger."

The third largest category of responses dealt with Indians' reluctance to use service systems. This reluctance was usually attributed to mistrust or suspicion of service providers. One respondent commented: "Indians are reluctant to use conventional sources of help, and there is an underlying resentment of non-Indians."

Special Activities and Approaches

Finally, respondents were asked whether there were any special activities, programs, or approaches related to child welfare services for Indians that they would like to see tried. Ninety-six out of a total of 118 respondents (81.4 percent) answered positively; 19 responded negatively (16.1 percent); and 3 said that they did not know. The explanations given for positive responses are categorized in table 3-11.

Nearly a third of those who suggested special programs said that tribal or Indian-run programs were a desirable way to approach child welfare services for Indians, and state and county officials suggested this approach as often as tribal officials. A need for more Indian staff was

TABLE 3-10

PROBLEMS ENCOUNTERED IN WORKING WITH INDIAN FAMILIES*

Number of Respondents = 78
Number of Responses = 132

Problem	Number of Respondents Mentioning Problem	Percent of Respondents Mentioning Problem
Unspecified differences in culture, values, tradition, and customs	22	28.2%
Communications problems	21	26.9%
Reluctance to use service systems	18	23.1%
Extended-family system	11	14.1%
Different child-rearing practices	9	11.5%
Identity problems/low self-expectation	7	9.0%
Language barrier	6	7.7%
Family problems	5	6.4%
Alcoholism	5	6.4%
Glue sniffing	5	6.4%
Jurisdictional problems	4	5.1%
Economic problems	4	5.1%
Physical isolation	3	4.0%
Mobility	3	4.0%
Different concepts of time	2	2.6%
Other	7	9.0%

*Multiple responses to these questions were allowed; therefore, percentages do not total 100.

TABLE 3-11

SPECIAL ACTIVITIES AND APPROACHES RESPONDENTS WOULD LIKE TO SEE TRIED*

Number of Respondents = 96
Number of Responses = 152

Activity or Approach	Number of Respondents Mentioning Activity or Approach	Percent of Respondents Mentioning Activity or Approach
Tribal/Indian-run programs	29	30.2%
Indian staff	19	19.8%
Group homes	17	17.7%
Family counseling programs	16	16.7%
Educational programs	15	15.6%
Programs/procedures related to Indian foster homes	13	13.5%
Service delivery policies/procedures	7	7.3%
Juvenile court programs	4	4.2%
Better coordination among agencies	3	3.1%
Improved staff capability	3	3.1%
Miscellaneous programs mentioned by one respondent each	22	22.9%
Other	4	4.2%

*Percentages do not total 100 since multiple responses were allowed.

mentioned by nineteen respondents, and two respondents said that staff who spoke their clients' languages were needed.

Respondents also mentioned a need for a variety of child welfare and child welfare-related programs, including group homes, family counseling, educational programs, and foster care programs. Specific educational programs mentioned included vocational educational programs, alternative schools for Indians, special educational programs, drop-out programs, and alcohol and drug abuse education programs in the schools. Specific foster care programs mentioned included recruitment and placements services, better training of foster parents, and more emergency foster homes. Respondents also made specific suggestions about desirable juvenile court programs. Updating tribal codes, providing juvenile advocates, and instituting a separate juvenile court system were provided as examples of desired programs.

Specific suggestions were also made for improving policies and procedures in the service delivery system. Policy review by Indians, direct federal-tribal relationships, doing more research, contracting for services, and expanding existing programs were provided as examples of desirable changes in the delivery system.

Many diverse programs were suggested by only one respondent each. Examples included providing programs for senior citizens and ex-offenders, beginning bilingual programs, instituting maternal and child health services, and providing juvenile suicide prevention services.

SUMMARY

Respondents were asked to provide their opinions on the desirability of nine special child welfare-related policies and procedures for Indian children. The nine special policies or procedures included: subsidized adoptions for Indian children placed with Indian families; AFDC-FC payments to relatives; day care payments to relatives; enrolling children in tribes prior to adoption; recruiting Indian foster and adoptive parents; notifying tribal officials about placements of Indian children; recognition of tribal court orders regarding child welfare cases; special licensing standards and/or procedures for Indian day care and/or foster care facilities; and special staff and/or outreach programs for Indians.

All of the nine special policies or procedures were favored by a majority of the respondents. However, on four of the nine provisions more state child welfare administrators replied negatively than affirmatively, and chi square tests indicated that the differences in response patterns between the state respondents and other respondents were statistically significant. Comments of many of the state child welfare respondents indicated that they felt that support of the special provisions would constitute favoritism for one subgroup within their client constituencies.

Respondents were also asked six open-ended questions about their perceptions of Indian child welfare problems and possible solutions to these problems. Nearly three-quarters of the respondents felt that child welfare services for Indians had improved in their communities over the last five years. Nearly half of these partially attributed improvements to more services or more staff. About one-third said that the quality of services had improved, while another third felt that Indians and tribes were now more aware of or involved in child welfare. A final third cited increased awareness of Indian needs by service providers and the public as a reason for improvement.

Respondents were almost evenly divided on the question of whether Indians or non-Indians were getting better child welfare services. Those who believed that non-Indians were getting better services stated that Indians lacked awareness of services, that they were reluctant to apply for services, that many Indians were remote from service providers, and that there was jurisdictional confusion which meant that Indians received fewer and/or less quality services. Those who felt that Indians received better services usually explained that there were more programs specifically for Indians (i.e., tribal, BIA, and IHS programs).

When asked to describe the major child-rearing problems facing Indian families, many respondents cited problems which were only indirectly related to child rearing, such as alcoholism, unemployment, economic problems, housing problems, and prejudice. Others mentioned cultural problems, such as family disintegration and problems of cultural change or urban adjustment. Some respondents listed specific child-rearing problems, such as discipline, while others mentioned the lack of various services for Indian families and their children.

Most respondents felt that there were unique factors relating to Indian family life which should be taken into consideration by service delivery systems. The three categories with the largest number of responses were all related to cultural factors--the extended family, unspecified cultural differences, and child-rearing patterns.

A question which elicited somewhat similar responses asked if respondents had encountered different problems in working with Indian and non-Indian families. Again, cultural differences, including the extended family and child-rearing patterns, were cited by large numbers of respondents. Problems of service delivery, including communications problems, reluctance of Indians to use service systems, and language barriers were also mentioned frequently.

A final question asked respondents to list special Indian child welfare-related programs or approaches that they felt should be tried. Respondents most frequently mentioned the desirability of having more tribal or Indian-run programs, while increasing the size of the Indian staff was also felt to be highly desirable. Other respondents suggested either specific programs--such as group homes, family counseling, educational programs, and juvenile court programs--or changes in the existing service delivery system--such as policy and procedural changes, better coordination among agencies, and improved staffing.

PART 5

HOUSEHOLD SURVEYS

Two household surveys were conducted as an exploratory effort in indepth interviewing with Indian families. One purpose in undertaking the household surveys was to provide some balance, however limited, between the perceptions of agency personnel and the views of Indian parents. Another was to provide a limited comparison between child welfare needs in an urban and a rural setting. The third purpose was to document some of the methodological problems involved in attempting lengthy indepth interviewing with Indian respondents in the two types of settings.

Interviews focused on respondents' perceptions of problems they and other Indian families in their locales had in raising children, of formal and informal helping sources likely to be used by Indian families in a variety of child-related situations, and attitudes towards formal community resources. Respondents were also questioned about their perceptions of needed new child- and family-related services and of needed changes in existing programs and services for children and families. Demographic data about household composition, mobility, employment and income, and tribal affiliation were also collected.

One survey was conducted with a sample of fifty Indian households in the Uptown section of Chicago. The second was conducted with a sample of fifty Indian households from the Fort Berthold Reservation in North Dakota. A quota sampling procedure was used in Fort Berthold, and a convenience sample was drawn in Chicago. The results of the Fort Berthold survey can be generalized to the Indian population on that reservation with a reasonable degree of confidence, but because of sampling problems and difficulties in the administration of the survey at the Chicago site, it is not clear whether generalizations can be made from the Chicago sample to the Uptown Indian community as a whole (see the appendix for further discussion).

CHICAGO UPTOWN DATA SUMMARY

Description of the Area

Uptown is an area approximately eleven blocks wide and nineteen blocks long (3/4 mile by 1½ miles) on the north side of Chicago, about 4½ miles north of the main downtown area. The 1970 census reported approximately four thousand American Indians living in Uptown, but residents and some service providers believe the number of Indians is closer to twelve to sixteen thousand.

The racial composition and backgrounds of Uptown residents are diverse, since blacks, Spanish-speaking persons, Orientals, southern Appalachian whites, and students, in addition to Indians, live there. The area also contains many interracial couples.

Uptown is a depressed neighborhood of small apartment buildings and small shops, most of which have absentee owners. About one-third of the housing was torn down under urban renewal to make room for a junior college over protests of the residents, and the housing has not been replaced. Much of the population is transient, unemployment is high, and there are a number of storefront day-labor offices. Elevated railway tracks run over the area.

Several social services agencies are located in Uptown, and others have branch offices in or near Uptown. There are two Indian centers in the area (the American Indian Center and St. Augustine's Indian Center), as well as an Indian-run community organization (the Native American Committee) which recently added a foster care specialist to its staff to develop Indian foster homes within the community. The Edgewater-Uptown Mental Health Center operates a Native American Outpost for Uptown Indian residents. There are no specifically Indian-run or Indian-focused day care centers, group care homes, or emergency shelters.

The North Area Office of the Illinois Department of Children's and Family Services provides child welfare services to Uptown residents. Its service area is larger than Uptown, but it encompasses Uptown in its eastern portion. Private non-Indian agencies most active in the area are Catholic Charities and United Charities of Chicago. Two of the public schools in the area (Goudy Elementary School and Senn High School) have branches which provide optional alternative education for Indian children. These are Owaiyawa for elementary school children and Little Big Horn for high school students.

Survey Findings

The Chicago Uptown sample included forty-seven households.* Of these forty-seven, half (twenty-four) were nuclear families composed of children and their parents and/or stepparents in either recorded or common-law marriages. Slightly less than one-third (fourteen) were households with just one adult; of these, thirteen were mothers and their children, and one was a father and his children. The remaining nine households were examples of a variety of types of extended family relationships, six of which spanned three generations.

Approximately three-fourths (thirty-five) of the respondents reported one, two, or three children in the home. Five was the maximum number of children in any household (see table 3-12). In addition, approximately one-fifth (nine) of the households had children in out-of-home living situations. For these households the number of children both at home and out of the home and the type of out-of-home situation appear in table 3-13. Finally, two of the families (both were headed by females, and were single-adult families) reported having foster children. In one instance all of the children in the family were foster children biologically unrelated to the respondent; in the other instance, the respondent had foster children in addition to her own children. One respondent reported adopting twins, in addition to having her own biological offspring.

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*In the Chicago Uptown sample there was a high drop-out rate during the course of the interviewing. Thirty-four of the original sample of forty-seven who agreed to be interviewed completed the entire interview. Consideration of methodological implications and hypotheses about the drop-out rate appear in a later discussion section of this chapter. Here it is important to note that the data analysis for each question was based only on those persons who answered that question or, if they did not respond to a given question, who answered subsequent questions. If people did not answer a given question but did answer subsequent ones, they were recorded as "no responses" for that question, and the N was not decreased. Thus, the N for each question equals the number of persons still in the interviewing process at that time.

TABLE 3-12

NUMBER OF CHILDREN IN THE HOME*
N=47

Number of Children in the Home	Number and Percentage of Respondents	
0	3**	6%
1	12	26%
2	10	21%
3	13	28%
4	4	9%
5	5	11%

*Percentages have been rounded and may not total exactly 100.

**In these instances all children were in out-of-home living situations (see table 3-13).

TABLE 3-13

HOUSEHOLDS WITH CHILDREN IN OUT-OF-HOME LIVING SITUATIONS

N = 9

Number of Children Out of the Home	Number of Children at Home	Living Situation of Out-of-Home Children
3	0	BIA boarding school
10	0	Each went into foster care at an "early age"
3	0	Foster home
2	5	Placed for adoption
3	1	One with natural father, one with grandparents, one placed for adoption
2	4	With grandparents in Puerto Rico "indefinitely"
1	4	Not indicated
1	2	Not indicated
6	1	Not indicated

When all household members, both adults and children, were included, none of the households had more than seven members. Almost one-half (twenty-two) had either four or five members, while seven had only two members. Respondents were persons who considered themselves to have a primary care-taking role for the children in the household. Thirty-nine of the forty-seven respondents were between twenty and thirty-nine years of age; only one was under twenty; and only one was over sixty. None were over seventy-four (see table 3-14). In twelve instances respondents indicated that one of the adults in the household was non-Indian. In all of these instances the female adult (mother or grandmother) was Indian and the male adult (father or grandfather) was non-Indian. Nine of these twelve male adults were Caucasian, one was black, one was Puerto Rican, and the last was black and Puerto Rican.

TABLE 3-14

AGES OF RESPONDENTS
N = 47

Age	Number and Percentage of Respondents	
15-19	1	2%
20-29	20	43%
30-39	19	40%
40-49	4	9%
50-59	2	4%
60-74	1	2%

Forty-two respondents answered questions regarding income and employment. Their responses indicated that in slightly over one-half of the households for which data were provided (twenty-two) at least one adult member was employed. Of the twenty households where no employed adults were reported, ten were single-parent households, nine were two-parent households, and one was an extended-family household. As can be seen from table 3-15, the rate of nonemployment* in the single-adult households responding was approaching twice that in the two-parent households; in only three of the thirteen single-parent households responding to this question was the adult member employed. The lowest rate of nonemployment was in the extended-family households, where only one of the eight households responding reported no employed adult members.

TABLE 3-15

RATES OF NONEMPLOYMENT BY HOUSEHOLD COMPOSITION
N=42

Type of Household	Total Number of Households Responding to the Question	Number of Households with No Employed Adult Members	Rate of Nonemployment
Two-parent households	21	9	43%
Single-parent households	13	10	77%
Extended-family households	8	1	13%

It should be noted that in almost one-third of the twenty-two households (seven) with one or more members employed, one or more members of the household was reported to be employed in a human services-related job. Other jobs listed for men included repairman, bus driver, taxi driver, and day laborer. Other jobs listed for women included secretary, babysitter, and sales clerk. The adult composition of these households and their employment status appear in table 3-16.

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*Respondents were not asked whether or not they were actively seeking work. Therefore, we use the term "nonemployment" rather than "unemployment," since we do not know whether or not these people were seeking work.

TABLE 3-16

HOUSEHOLDS WITH ONE OR MORE ADULTS EMPLOYED IN HUMAN SERVICES-RELATED JOBS
N=7

Composition		Occupation
Two-parent household	Husband:	mental health field worker
	Wife:	foster care specialist for an Indian organization
Two-parent household	Husband:	youth worker
	Wife:	teacher's aide
Two-parent household	Husband:	teacher's aide
	Wife:	administrative assistant at an Indian center
Two-parent household	Husband:	skilled laborer
	Wife:	paraprofessional caseworker
Two-parent household	Husband:	welder
	Wife:	teacher's aide
Two-parent household	Husband:	cable splicer
	Wife:	teacher's aide
Single-parent female head of household	Female Head:	outreach worker for an employment program

Respondents were also questioned regarding their households' principal sources of income. Of the twenty-two households with an employed adult, fifteen (or approximately 68 percent) stated that salaries or wages were the principal source of income. One indicated that wages and Social Security benefits combined were the principal sources of income, and six indicated that wages in combination with AFDC were the principal sources of income. Principal sources of income for the households with no employed adults appear in table 3-17. It should be noted that AFDC, either singly or in combination with other sources, was cited by slightly over one-half of all respondents as a principal household income source.

TABLE 3-17

PRINCIPAL INCOME SOURCES FOR HOUSEHOLDS WITH NO EMPLOYED ADULTS

N=20

Income Sources	Number and Percentage of Respondents	
AFDC	15	75%
AFDC and Social Security	2	10%
Veteran's pension	1	5%
Educational stipend	1	5%
No income	1	5%

None of the respondents reported having been in Chicago less than one year, and only eight had been there less than five years. Two stated that they had lived in Chicago since birth, twenty-six indicated that they had been in Chicago more than ten years, and twelve said that they had been in Chicago between five and nine years.

The reported residence patterns indicated considerable mobility within Chicago. All of the respondents had moved at least one time in the past five years, twenty had moved two or three times, twelve had moved four to six times, and two indicated that they had moved between seven and ten times in the past five years.

Of the forty-four persons who responded to questioning about relatives in Chicago, eight reported having many relatives there, twenty-six said they had some but not many, and ten reported having no relatives in Chicago. Forty-six of the respondents indicated their tribal affiliations (see table 3-18). While many tribes are represented, the large majority of the respondents are from tribes located in the Great Lakes Region of the country.

TABLE 3-18

TRIBAL AFFILIATIONS OF RESPONDENTS
N=46

Tribe	Number of Respondents
Menominee	8
Chippewa	6
Navajo	4
Pottawatomie	4
Winnebago	4
Oneida	3
Sioux	2
Menominee/Oneida	2
Ottawa/Chippewa	2
Winnebago/Sioux	2
Arikara	1
Blackfeet	1
Choctaw	1
Cree	1
Mandan/Hidatsa	1
Ottawa	1
Ottawa/Blackfeet	1
Sacaton/Fox	1
Winnebago/Chippewa	1

Despite the extended length of time that most respondents reported living in Chicago, only six out of the forty-four who responded to questioning about their relationships with reservations indicated that they did not maintain ties with some reservation. Approximately three-fifths of the respondents (twenty-seven of forty-four) indicated that they returned to reservations for visits one or more times yearly. Six more stated that they returned to reservations to visit at least once every five years, and five indicated that, while they did not visit personally, they maintained ties through letters after the return visits of other family members.

Interviewers were instructed to use nondirective, focused interviewing techniques in order to obtain information from respondents regarding their perceptions of the main problems faced by Indian families in Uptown in raising their children, as well as their perceptions of where Uptown Indian families would be most likely to turn for help if they were having a child-related problem they could not solve themselves.

Information was also sought regarding respondents' perceptions of the attitudes of Indian families in Uptown towards the use of formal community resources. Each of these same areas of information was then sought from respondents regarding their own experiences, preferences, and attitudes.

The responses to questioning regarding major problems faced by Uptown Indian residents in general and by the respondents in particular in raising children in Uptown focused primarily on environmental factors indicative of poverty environments in general, on alcoholism, and on factors related to cultural changes associated with urban life. While there were minor differences in the frequencies with which certain problems were mentioned, there was a general congruence between what respondents said were the major problems facing them in rearing their own children and in the major problems they perceived to be facing other Indian families in Uptown (see tables 3-19 and 3-20).

Responses to questioning regarding the respondents' perceptions of where Indian families in the community would be most likely to turn for help when they had a child-related problem they could not solve themselves and where the respondents themselves would turn in similar circumstances were categorized according to various types of formal and informal helping sources (e.g., members of extended family, Indian organization or agency, and traditional public agency). While there were slight variations in frequencies, the order from the most likely to the least likely type of helping source was identical for the two areas of questioning (respondents' own likely behavior and their perceptions of other Uptown Indian residents' likely behavior). Responses for both areas of questioning appear in table 3-21 and illustrate the extent to which the likelihood or preference of turning to an Indian organization or agency stands out over the likelihood or preference of turning to any other single type of helping source.

Without specifying particular service providers or types of formal community resources, respondents were next asked about their perceptions of the attitudes of Uptown Indian families toward requesting and/or accepting help from formal community resources as well as their own attitudes toward requesting and/or accepting help. Responses to both areas of questioning appear in table 3-22.

TABLE 3-19

RESPONDENTS' PERCEPTIONS OF THE MAIN PROBLEMS FACED BY UPTOWN INDIAN FAMILIES IN RAISING THEIR CHILDREN*

Number of Respondents: 41
Number of Responses: 85

Problem	Number and Percentage of Respondents Mentioning Each Problem	
Insufficient income, unemployment, and/or lack of decent-paying jobs	14	34%
Alcoholism	11	27%
Lack of needed recreational programs and other constructive activities for children and youth	11	27%
Bad neighborhood environment (e.g., crime; fear for physical safety; negative influence of "undesirables" on children	10	24%
Poor housing	8	20%
School problems (prejudice of school personnel and other students; truancy)	6	15%
Cultural change (difficulty adjusting to city life, to the absence of extended family, and to other racial groups)	5	12%
Lack of needed child care for children of working parents	3	7%
Lack of needed transportation	3	7%
Family breakup	2	5%
Don't know/No response	12	29%

*Since multiple responses were allowed for these questions, percentages reported total more than 100.

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TABLE 3-20

MAJOR PROBLEMS REPORTED BY RESPONDENTS IN RAISING THEIR OWN CHILDREN*

Number of Respondents: 41
Number of Responses: 52

Problem	Number and Percentage of Respondents Mentioning Each Problem	
Alcoholism in neighborhood or own family	8	20%
Lack of needed recreation programs and other constructive activities for children and youth	7	17%
Cultural change (difficulty helping children understand and adjust to city life; conflicting standards of behavior between "old ways" and city ways and between older and younger generations; and lack of extended family for support and advice)	7	17%
Insufficient income, unemployment, and/or lack of decent-paying jobs	6	15%
Bad neighborhood environment and/or delinquent or predelinquent behavior of own children	5	12%
Poor housing	2	5%
Family breakup	2	5%
Lack of own education and/or difficulty finishing own education and being a parent simultaneously	2	5%
Lack of needed child care while working and/or in school	1	2%
Lack of needed transportation	1	2%
No problems	4	10%
Don't know/No response	7	17%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

TABLE 3-21

HELPING SOURCES TO WHICH RESPONDENTS REPORTED THEY AND OTHER UPTOWN INDIAN RESIDENTS COULD MOST LIKELY TURN FOR HELP WITH CHILD-RELATED PROBLEMS*

Helping Sources	Respondents' Own Likely Behavior Number of Respondents: 40 Number of Responses: 43		Respondents' Perceptions of Other Uptown Indian Residents' Likely Behavior Number of Respondents: 40 Number of Responses: 47	
	Number and Percentage of Respondents Mentioning Each Source		Number and Percentage of Respondents Mentioning Each Source	
Indian organizations or agencies	15	38%	15	38%
Members of extended family	7	18%	9	23%
Traditional public agencies (e.g., public aid; Family and Children's Service)	7	18%	7	18%
Friends, neighbors	4	10%	5	13%
Church-related organizations or personnel	2	5%	4	10%
Tribal government	1	3%	--	--
Don't know/No response	7	18%	7	18%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

TABLE 3-22

RESPONDENTS' ATTITUDES AND PERCEPTIONS OF OTHER UPTOWN INDIAN RESIDENTS' ATTITUDES TOWARD REQUESTING/ACCEPTING HELP FROM FORMAL COMMUNITY RESOURCES*

Attitudes	Respondents' Own Attitudes Number of Respondents: 38 Number of Responses: 46		Respondents' Perceptions of Attitudes of Other Uptown Indian Residents Number of Respondents: 38 Number of Responses: 45	
	Number and Percentage of Respondents Mentioning Each Attitude		Number and Percentage of Respondents Mentioning Each Attitude	
Depends on the service provider and/or individual worker	15	39%	7	18%
Basically fearful and/or distrustful	9	24%	10	26%
Basically willing	6	16%	2	5%
Basically willing, but don't know where to go	4	11%	7	18%
Basically find services not helpful	4	11%	3	8%
See service request and/or usage as a stigma	2	5%	6	16%
Don't know/No response	6	16%	10	26%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

In answering questions about various helping sources and attitudes toward the use of formal community resources, most respondents made statements which amplified or explained their choices. The message which was communicated most frequently and emphatically was that there was a basic willingness to seek out and accept formal services if the helping source or service provider was an Indian organization or agency. The second most frequently made point was that attitudes of fear and mistrust usually arose when public welfare agencies were considered as possible helping sources or service providers. In this regard a number of respondents expressed fear that seeking help for other than a financial problem from a non-Indian public agency could all too easily result in the loss of their children.

Some typical comments which accompanied the various choices are listed below:

Reactions to the use of an Indian organization or agency:

> "Maybe they don't know where to go so the Indian centers are the place to start asking questions."
>
> "Indians would automatically turn to other Indians first."
>
> "So I can have an Indian social worker."
>
> "They usually try to help when white agencies don't try very hard."

Reactions to the use of a non-Indian public agency:

> "I hate to go to public aid because they talk fast and loud so everybody hears your business. I go to St. Augustine's because they have an Indian staff."
>
> "With big agencies like welfare I feel it's no use to try to get help because they're so rude and make one feel like he's lying or cheating somebody to get on welfare."

Willingness to use services but respondent did not know where to go for these services:

> "For my kids I'd want to get help, but I don't know where I'd go for sure--maybe I'd start with the school."

Attitude of stigma associated with accepting help:

> "They're afraid to let others know their problems even though we know one another's business anyway."

Respondents were also asked a series of questions regarding their knowledge and/or perceptions of sources to which they might turn for help with specific child welfare and child welfare-related problems. For example, respondents were asked who they thought might be able to help an Indian family which wanted to adopt a child and what problems they thought an Indian family might have in trying to adopt a child. Tables 3-23 and 3-24 summarize responses according to type of helping source and perceived problem area. Of particular note is the high proportion (approximately 41 percent) of the respondents who specifically stated they did not know where an Indian family could go to find help in adopting a child. Also notable is the high proportion of respondents who felt that income and housing standards and/or other material requirements were set at a level that Indian families could not meet. Personal experience to support this feeling was offered by a respondent from the one adoptive family in the sample. This respondent commented that when the adoptive study was done (the twin children they were adopting were then eight years old) the family was given "a hard time" because it could not meet certain state income and housing standards. However, the judge commented that he would make a "special consideration" since the children had been with the family since they were five weeks old.

TABLE 3-23

HELPING SOURCES PERCEIVED BY RESPONDENTS FOR INDIAN FAMILIES WANTING TO ADOPT*

Number of Respondents: 37
Number of Responses: 39

Helping Sources	Number and Percentage of Respondents Mentioning Each Source	
Indian organization or agency	9	24%
Public welfare	9	24%
Private adoption agencies	1	3%
Legal aid attorney	1	3%
Don't know	15	41%
No response	4	11%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

TABLE 3-24

RESPONDENTS' PERCEPTIONS OF PROBLEMS AN INDIAN FAMILY MIGHT HAVE IN ADOPTING A CHILD*

Number of Respondents: 36
Number of Responses: 54

Problems	Number and Percentage of Respondents Mentioning Each Problem	
Inability to meet income and/or employment standards	13	36%
Inability to meet housing standards	7	19%
Inability to meet material standards (didn't specify what material standards)	6	17%
Wouldn't know where to go or how to do it	2	6%
Prejudice of adoption agencies	2	6%
Inability to afford a lawyer	2	6%
Lack of education of adoptive parents	1	3%
Religious background of adoptive parents	1	3%
Already having children	1	3%
No special problems	2	6%
Don't know/No response	17	47%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

Similar questions were asked regarding foster care. Table 3-25 shows respondents' perceptions of helping sources for Indian families who want to become foster families, and table 3-26 summarizes respondents' perceptions of problems Indian families might have in becoming foster parents. Again, there was a relatively high proportion of respondents who specifically stated they did not know who would help an Indian family become a foster family and who felt Indian families would have difficulty meeting material standards, particularly housing standards. Four respondents also mentioned that Indian persons would probably have a lack of confidence during the licensing process or that they would be afraid to try to get licensed.

TABLE 3-25

HELPING SOURCES PERCEIVED BY RESPONDENTS FOR INDIAN FAMILIES WANTING TO BECOME FOSTER FAMILIES*

Number of Respondents: 37
Number of Responses: 37

Helping Sources	Number and Percentage of Respondents Mentioning Each Source	
Indian organization or agency	12	32%
Public welfare	10	27%
Family and/or friends	3	8%
Don't know	10	27%
No response	2	5%

*Percentages have been rounded and may not total exactly 100.

TABLE 3-26

RESPONDENTS' PERCEPTIONS OF PROBLEMS AN INDIAN FAMILY MIGHT HAVE IN BECOMING A FOSTER FAMILY*

Number of Respondents: 34
Number of Responses: 52

Problems	Number and Percentage of Respondents Mentioning Each Problem	
Inability to meet housing standards	10	29%
Inability to meet income and/or employment standards	8	24%
Caseworker's prejudice and/or lack of understanding of Indian culture	5	15%
Indian family's lack of confidence during licensing process and/or fear of entering the process	4	12%
Wouldn't know where to go or how to do it	3	9%
Already having many children	2	6%
Having common-law marital status	2	6%
Family instability	2	6%
Religious background	1	3%
Lack of education	1	3%
Don't know/No response	14	41%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

Comments accompanying the response of "Indian organization or agency" as a helping source for both prospective adoptive and foster families convey the sense of perceiving such organizations as basic information and referral sources and as liaisons and/or advocates for Indian families with established non-Indian agencies. Typical of the comments were: "This [an Indian organization] is where you would start asking questions"; and an Indian organization or agency would be "the starting place to find out where to go." Another respondent stated:

> An Indian organization or agency could act as the liaison and a reference for the Indian family when approaching the specific agency to request to be a foster family. This might help families that are stable families but can't quite meet the middle-class standards such as income, space, and marriage license.

The interview concluded with questions regarding what new child welfare and family- and child-related services respondents would like to see in the Uptown area, as well as what changes they would like to see in existing services and programs. Table 3-27 presents these responses. Two things are particularly noteworthy about the responses. The first is the emphasis on recreational programs. Twenty-two of the thirty-four respondents mentioned a need for more and better recreational programs and other constructive activities for Uptown children and youth. The second is the emphasis on Indian-run programs whose specific purpose is service provision for Indians. Twenty-eight of the fifty-nine responses regarding new services and changes in existing services explicitly stipulated the desire for Indian control and focus, in addition to whatever service area was being recommended.

TABLE 3-27

RESPONDENTS' PERCEPTIONS OF NEEDED NEW CHILD WELFARE AND FAMILY- AND CHILD-RELATED SERVICES AND NEEDED CHANGES IN EXISTING PROGRAMS FOR UPTOWN INDIANS*

Number of Respondents: 34
Number of Responses: 59

Changes	Number and Percentage of Respondents Mentioning Each Problem	
Recreational and other constructive activities for children and youth	22	65%
1. More and better recreational programs and facilities (12)		
2. Indian-run and -staffed recreational programs for Indian children and teenagers (6)		
3. After-school programs (3)		
4. Indian cultural programs (1)		
Out-of-home care	11	32%
1. More Indian foster homes (4)		
2. Group home for Indian adolescents (2)		
3. Emergency shelter for small children (2)		
4. Indian-run child placement center (1)		
5. "More helpful guidance" for Indian foster parents (1)		
6. More foster homes (1)		
Day care	8	24%
1. Indian-run day care center for Indian children (4)		
2. Subsidized day care for students and working mothers whose income is slightly above poverty level (3)		
3. More day care centers (1)		
Indian-oriented programs; service area not specified	5	15%
1. "A place for Indians" (3)		
2. Agency for Indians only (1)		
3. Indian-run programs for Indians (1)		
Changes in policies of non-Indian agencies	5	15%
1. More Indian workers at big agencies (1)		
2. Get rid of prejudiced workers (1)		
3. More sensitivity to Indians (1)		
4. "More courtesy during first steps of getting involved with a white agency" (1)		
5. Provide information to Indians on their rights and on services available to them (1)		
Better public transportation	2	6%
Programs for alcoholic and neglecting parents	2	6%
Programs in "parenting" for young mothers	1	3%
Don't know	5	15%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

FORT BERTHOLD DATA SUMMARY

Description of the Area

The Fort Berthold Reservation, which is located in North Dakota, is the home of the Mandan, Arikara, and Hidatsa tribes of the Northern Plains. The tribes, known as the "Three Affiliated Tribes of the Fort Berthold Reservation," are a federal corporation chartered under the Indian Reorganization Act of 1934. Currently the population consists of approximately three thousand persons. The total land base of the reservation includes 980,500 acres, and extends into five counties of the state.

In 1952, the federal government dammed the Missouri River in order to create the Garrison Reservoir on the reservation, which caused dissension and social upheaval for persons residing on the reservation since 90 percent of the residents were forced to move and change their living patterns. Families and communities were dispersed, necessitating the establishment of new communities, and more recently requiring the building of federal low-cost clustered housing. New patterns of living in close proximity to others, rather than in the low-density patterns traditional in rural life, have caused additional familial and social problems for reservation residents.

Agencies located on the reservation which provide social services are the Bureau of Indian Affairs, the Indian Health Service, and tribal organizations. The BIA has headquarters in New Town, the seat of the tribal government, and subagencies at three other locations on the reservation where social services are provided by indigenous social service aides. The IHS operates one full-time clinic and holds clinic hours one day per week in three other communities. While there is no hospital on the reservation, IHS contracts with private hospital facilities off the reservation for care for Fort Berthold residents. The tribe operates an alcoholism and drug abuse program, including a federally financed detoxification center. Further services for alcohol-related problems, such as Alateen and Alanon, are run by a tribal Alcoholics Anonymous (A.A.) group. Legal services on the reservation include a lay advocate program within the tribal court system and the North Dakota Legal Services program. There is a juvenile court within the tribal court system and a special juvenile officer in the BIA Police Department. Day care is provided by the Fort Berthold Child Development Center, which operates two centers on the reservation. At this time there are no group care facilities on the reservation.

The main social service providers which furnish services to the reservation but are located off the reservation are the five county offices of the Social Service Board of North Dakota and three affiliated regional social service centers, which primarily provide consultative services, evaluations, and referrals. A mental health center with headquarters off the reservation provides services on the reservation once a week. Some children from Fort Berthold attend public schools off the reservation, and these schools are predominantly non-Indian. Those children who attend schools on the reservation attend public schools which utilize BIA personnel and which are more oriented toward Indian culture.

Survey Findings

Fifty households were included in the Fort Berthold sample. Of these fifty, nearly half (twenty-three) were nuclear families composed of children and their parents. Seven were households with single parents (all mothers) and their children. Approximately one-third (sixteen) of the households were composed of families which spanned three generations; two more were families composed of grandparents and their minor grandchildren. The remaining two households were composed of two sets of married adults and their children. In these instances, the women were related to each other.

Twenty-seven of the fifty respondents reported one, two, or three children under eighteen in the home, while fifteen had four or five children. The maximum number of children in any household was eight (see table 3-28). In addition, five of the fifty households had children in out-of-home living situations. For those households the number of children at home and out of home appear in table 3-29. In only one instance was the out-of-home living situation described: in that instance it was a foster care placement. None of the respondents at Fort Berthold indicated having unrelated foster or adoptive children in their homes.

TABLE 3-28

NUMBER OF CHILDREN IN THE HOME

N = 50

Number of Children in the Home	Number and Percentage of Respondents	
0	0	0%
1	4	8%
2	8	16%
3	15	30%
4	8	16%
5	7	14%
6	4	8%
7	2	4%
8	2	4%

TABLE 3-29

HOUSEHOLDS WITH CHILDREN IN OUT-OF-HOME LIVING SITUATIONS

N = 5

Number of Children Out of Home	Number of Children at Home
1	5
1	5
4	3
1	2
1	2

Approximately three-fourths of the households (thirty-five) had between four and seven members, including adults and children. One-fifth had between eight and eleven members, and one household was composed of fourteen persons. This family included a mother, father, seven minor children, four children over eighteen, and one grandchild. Thirty-four of the fifty respondents were between twenty and forty-nine years of age, and ten were between fifty and fifty-nine. Six were over sixty, and none was under twenty (see table 3-30). Only four of the fifty respondents indicated that one of the adults in the household was non-Indian. In three of these instances the male adult was Indian and the female was non-Indian.

TABLE 3-30

AGES OF RESPONDENTS
N = 50

Age	Number and Percentage of Respondents	
20-29	11	22%
30-39	12	24%
40-49	11	22%
50-59	10	20%
60-74	6	12%

Forty-six respondents answered questions regarding income and employment. In slightly over one-half of the households (twenty-seven) at least one adult member was employed. Of the nineteen households reporting no employed adults, three were single-parent households, seven were two-parent households, and nine were extended-family households. As can be seen in table 3-31, the rate of nonemployment ranged from a low of 26 percent for two-parent households to a high of 75 percent for extended-family households.

TABLE 3-31

RATES OF NONEMPLOYMENT BY HOUSEHOLD COMPOSITION

Number of Respondents: 46

Type of Household	Total Number of Households Responding to Question	Number of Households with No Employed Adult Members	Rate of Nonemployment
Two-parent households	27	7	26%
Single-parent households	7	3	43%
Extended-family households	12	9	75%

In sixteen of the twenty-seven households with at least one employed adult, one or more members of the household were reported to be employed by federal agencies (usually the BIA) or tribal organizations. The male members of households were employed as BIA road maintenance crewmembers, BIA tribal policemen, tribal officials, Community Health Representatives (CHRs), and Community Action Program (CAP) workers. Women were employed as clerical workers, police dispatchers, Comprehensive Employment Training Act (CETA) workers, typists, and social service aides.

Other men listed their jobs as: elevator manager, rancher, farm laborer, ambulance driver, pipeliner, and carpet layer. Other women listed their jobs as: nursing home worker, day care supervisor, teacher's aide, teacher, motel worker, maintenance worker, and waitress.

Respondents were also asked about their households' principal sources of income. Of the twenty-seven households with an employed adult eighteen or over, approximately two-thirds listed salaries, wages, and/or income from self-employment as their principal sources of income. Nine indicated that a combination of wages and benefits--such as AFDC, Social Security, BIA General Assistance, veteran's pension, BIA retirement, and unemployment benefits--was the principal source of income. Principal sources of income for the households with no employed adults appear in table 3-32.

It should be noted that AFDC or AFDC in combination with other sources was cited by almost three-fourths of all respondents as a principal household income source.

TABLE 3-32

PRINCIPAL INCOME SOURCES FOR HOUSEHOLDS
WITH NO EMPLOYED ADULTS*

Number of Respondents: 19

Income Sources	Number and Percentage of Respondents	
AFDC	6	32%
AFDC and Social Security Benefits	6	32%
BIA General Assistance	3	16%
Social Security Benefits and Income from Land Lease	2	11%
Unemployment Benefits	1	5%
AFDC and Veteran's Benefits	1	5%

*Percentages have been rounded and may not total exactly 100.

Forty of the fifty respondents (80 percent) reported that they had lived on the Fort Berthold Reservation since birth, while six had lived there for ten years or more. Of the remaining four, one respondent had resided on the reservation from five to nine years and three had resided there for less than two years. The reported residence patterns also indicated that very little mobility occurred within the reservation. Approximately three-fourths of respondents (thirty-five) had not moved in the past five years; ten had moved once; and four had had two to three changes in residency. Only one respondent indicated four to six moves in the last five years.

Of the forty-five persons who responded to questioning about relatives, most (forty of forty-five) reported having many relatives on the Fort Berthold Reservation. Three of the five who indicated that they had few or no relatives were non-Indians married to Indians. Tribal affiliations were identified by fifty respondents. All respondents except one were from one or some combination of the Three Affiliated Tribes of the Fort Berthold Reservation (Mandan, Hidatsa, and Arikara).

When questioned about the major problems Fort Berthold families had in raising their children, respondents emphasized alcoholism and problems or difficulties concerning parental roles, such as discipline problems, child neglect, illegitimacy, and a lack of adequate preparation for parenting. Although economic factors were also mentioned frequently, environmental problems related to living in clustered public housing on the reservation were listed by even more respondents. When questioned on their own problems in child rearing, respondents identified insufficient income and alcoholism as their most frequent areas of difficulty. Several persons related alcoholism problems in their own families to the crowded living conditions and lack of personal privacy in clustered public housing. Lack of supervision and discipline for youth by both families and community agencies, such as law enforcement bodies, were also frequently identified and were often described as being closely related to housing problems.

While there were differences in the frequency with which certain child-rearing problems were mentioned, generally respondents saw the same major problems as other Fort Berthold families (see tables 3-33 and 3-34).

TABLE 3-33

MAJOR PROBLEMS REPORTED BY RESPONDENTS
IN RAISING THEIR OWN CHILDREN*

Number of Respondents: 50
Number of Responses: 66

Problems	Number and Percentage of Respondents Mentioning Each Problem	
Insufficient income, unemployment, and/or lack of decent-paying jobs	11	22%
Alcoholism (in community: 2) (in own family: 7)	9	18%
Family problems (breakup; tensions within families)	6	12%
Lack of needed recreational programs and other constructive activities for children and youth	5	10%
School problems (prejudice of school personnel and other students; truancy)	5	10%
Discipline problems at home and in community	5	10%
Cultural change (difficulties between generations; adjustment to modern world)	3	6%
Bad neighborhood environment and/or delinquent or predelinquent behavior of own children	2	4%
Poor housing (too close; inadequate)	2	4%
Lack of needed child care while working and/or in school	2	4%
Lack of own education and/or self-development	2	4%
No problems now but anticipate some as children grow older	7	14%
No problems	7	14%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

TABLE 3-34

RESPONDENTS' PERCEPTIONS OF THE MAIN PROBLEMS FACED BY FORT BERTHOLD FAMILIES IN RAISING THEIR CHILDREN*

Number of Respondents: 50
Number of Responses: 89

Problems	Number and Percentage of Respondents Mentioning Each Problem	
Alcoholism	29	58%
Problems with parenting (too permissive; lax discipline; child neglect; illegitimacy; no preparation for roles)	16	32%
Bad neighborhood environment and/or delinquent, predelinquent behavior	10	20%
Insufficient income, unemployment, and/or lack of decent-paying jobs	9	18%
School problems (prejudice of school personnel and other students; truancy)	4	8%
Lack of recreation programs and other constructive activities for children and youth	4	8%
Cultural changes (differences between generations; difficulties adjusting to modern world)	3	6%
Family problems (breakup; tensions)	3	6%
Lack of adequate medical and counseling facilities	3	6%
Lack of adequate law enforcement	1	2%
No problems	3	6%
Don't know	4	8%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

Respondents' perceptions of where families on the Fort Berthold Reservation would be most likely to go for help when they had child-related problems and where respondents themselves would turn in similar circumstances were categorized according to various types of formal and informal helping sources. Bureau of Indian Affairs social services agencies and subunits were combined with Indian Health Service sources (e.g., clinic, Community Health Representatives, and IHS doctor or psychiatrist) into a category called "federal agencies." This category of helping sources received the highest percentage of responses in both areas of questioning (i.e., own likely behavior and perceived likely behavior of others); within this category approximately 75 percent of the responses referred to BIA social services and 25 percent to IHS personnel and facilities (see table 3-35).

The greatest difference in reported own likely behavior and perceived likely behavior of others occurred in the category of church-related organizations or personnel. Only 6 percent of the respondents mentioned this category of agencies as a likely helping source for others, while 22 percent mentioned it as a likely helping source for themselves. Several of these respondents reported having close personal relationships with a specific priest who was very active on the reservation. Law enforcement agencies and personnel--such as tribal and BIA police, a BIA juvenile officer, and the tribal court--were reported as a resource in both areas of questioning. However, more respondents viewed them as likely resources for themselves. Tribal government and other tribally run organizations and programs were the most infrequently mentioned helping sources in both areas of response.

Without specifying particular service providers or types of formal community resources, respondents were asked their perceptions of the attitudes of other Fort Berthold families toward requesting and/or accepting help from formal community resources as well as their own attitudes toward requesting and/or accepting help. Responses to both areas of questioning appear in table 3-36.

Most respondents expanded on their responses to questions about helping sources and attitudes toward the use of formal community resources. While the majority of respondents (58 percent) indicated that they would be willing to seek help, some felt that their willingness would depend on the service provider or on the individual social worker, since some agencies and workers within agencies were more accessible and responsive to Indians than others. Many of those

TABLE 3-35

HELPING SOURCES TO WHICH RESPONDENTS REPORTED THEY AND OTHER FORT BERTHOLD RESIDENTS WOULD BE MOST LIKELY TO TURN FOR HELP WITH CHILD-RELATED PROBLEMS*

Helping Sources	Respondents' Own Likely Behavior Number of Respondents: 50 Number of Responses: 56		Respondents' Perceptions of Other Fort Berthold Residents' Likely Behavior Number of Respondents: 50 Number of Responses: 66	
	Number and Percentage of Respondents Mentioning Each Source		Number and Percentage of Respondents Mentioning Each Source	
Federal agencies (BIA; IHS)	13	26%	27	54%
Church-related organizations or personnel	11	22%	3	6%
Extended family	10	20%	12	24%
Traditional non-Indian agencies (county and state welfare and social services; schools; private agencies)	9	18%	9	18%
Law enforcement agencies or personnel (police; courts; juvenile officer)	3	6%	6	12%
Friends/neighbors	2	4%	3	6%
Tribal government (council)	1	2%	3	6%
Other tribally run organizations or agencies (A.A.; Alanon)	1	2%	1	2%
Nowhere to turn	3	6%	2	4%
Wouldn't go for services	3	6%		

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

TABLE 3-36

RESPONDENTS' OWN ATTITUDES AND PERCEPTIONS OF OTHER FORT BERTHOLD RESIDENTS' ATTITUDES TOWARD REQUESTING/ACCEPTING HELP FROM FORMAL COMMUNITY RESOURCES*

Attitudes	Respondents' Own Attitudes Number of Respondents: 50 Number of Responses: 53		Respondents' Perceptions of Attitudes of Other Fort Berthold Residents Number of Respondents: 50 Number of Responses: 57	
	Number and Percentage of Respondents Mentioning Each Attitude		Number and Percentage of Respondents Mentioning Each Attitude	
Basically willing	29	58%	18	36%
Depends on the service provider and/or individual worker	8	16%	6	12%
Basically find services not helpful	6	12%	8	16%
Basically fearful and/or distrustful	5	10%	11	22%
Basically willing but don't know where to go	3	6%	6	12%
See service request and/or usage as a stigma	1	2%	4	8%
Don't know/No response	1	2%	4	8%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

respondents who indicated their own attitudes towards seeking help also had a basic fear or distrust of all formal agencies which was often based on the potential loss of privacy which might occur when personal information was revealed to service providers in a small community seen as prone to gossip.

A sample of typical comments accompanying various responses follows:

Basically willing to use services:

> "When need it will try and get it from any agency."

> "If it will help the kids, I'll go find it."

Depends on the service provider and/or individual worker:

> "I am willing to accept help if I find no other way and I feel the social worker is understanding."

> "BIA and IHS never do any followup."

> "Indian people won't go to the county, go to the BIA."

> "Won't go to the mental health center 'cause there are whites there."

Attitudes of fear and distrust of agencies:

> "Wouldn't trust anyone in the community because it's too small."

> "Most people don't know how to keep things they hear to themselves."

> "Counselors in the community are disloyal and not qualified."

> "It has to be person-to-person contact, not just a pamphlet to read, and designated times are a problem; not used to appointments."

Respondents were also asked a series of questions concerning their knowledge and/or perceptions of the sources to which they might turn for help with specific child welfare-related situations. Tables 3-37 and 3-38 identify their responses with respect to helping sources and likely problems for Fort Berthold families wanting to become adoptive parents. The data reveal that almost one-fourth of the respondents indicated that they did not know where Fort Berthold residents could go for help in adopting a child. Of those who indicated helping sources, a number listed more than one source. An equal number of respondents (34 percent) cited tribal government (particularly tribal courts) and BIA social services as likely resources for help in adopting a child. The inability to meet income and/or employment standards was reported by almost one-third of the respondents as a perceived problem Fort Berthold families would have in adopting children.

TABLE 3-37

HELPING SOURCES PERCEIVED BY RESPONDENTS FOR FORT BERTHOLD FAMILIES WANTING TO ADOPT*

Number of Respondents: 50
Number of Responses: 58

Helping Sources	Number and Percentage of Respondents Mentioning Each Source	
Tribal government Tribal courts (13) Tribal legal services (2) Tribal council (2)	17	34%
BIA	17	34%
County/state sources	9	18%
Church-related organizations/personnel	2	4%
Friends	1	2%
Don't know	12	24%

*Multiple responses were allowed for these questions; therefore, percentages total more than 100.

TABLE 3-38

RESPONDENTS' PERCEPTIONS OF PROBLEMS AN INDIAN FAMILY MIGHT HAVE IN ADOPTING A CHILD*

Number of Respondents: 50
Number of Responses: 54

Problems	Number and Percentage of Respondents Mentioning Each Problem	
Inability to meet income and/or employment standards	15	30%
Family instability (marital problems; alcoholism; health problems)	7	14%
Prejudice of adoption agencies	7	14%
Inability to deal with additional responsibilities	5	10%
Inability to meet housing standards	3	6%
Children not available for adoption	1	2%
No special problems	6	12%
Don't know	10	20%

*Multiple responses were allowed for these questions; therefore, percentages reported total more than 100.

Similar questions were asked regarding foster care. Table 3-39 shows respondents' perceptions of helping sources for Fort Berthold families who might want to become foster families, and table 3-40 summarizes respondents' perceptions of problems Fort Berthold families might have in becoming foster parents. Respondents indicated that at Fort Berthold persons would most likely go to BIA social services when they wanted to become foster parents. Over one-third of the respondents indicated that there would be no anticipated problems should they want to become foster parents, while of those who mentioned problems, 18 percent indicated that family instability and alcoholism would be significant problems for Fort Berthold families wishing to become foster parents.

TABLE 3-39

HELPING SOURCES PERCEIVED BY RESPONDENTS FOR FORT BERTHOLD FAMILIES WANTING TO BECOME FOSTER FAMILIES*

Number of Respondents: 50
Number of Responses: 57

Helping Sources	Number and Percentage of Respondents Mentioning Each Source	
BIA	25	50%
County/state	15	30%
Tribal government	10	20%
Church-related	1	2%
Indian Health Service	1	2%
Don't know	5	10%

*Multiple responses were allowed for these questions; therefore, percentages total more than 100.

TABLE 3-40

RESPONDENTS' PERCEPTIONS OF PROBLEMS AN INDIAN FAMILY MIGHT HAVE IN BECOMING A FOSTER FAMILY*

Number of Respondents: 50
Number of Responses: 51

Problems	Number and Percentage of Respondents Mentioning Each Problem	
Family instability (marriage problems; alcoholism)	9	18%
Inability to meet income and/or employment standards	5	10%
Already having many children	3	6%
Inability to meet housing standards	3	6%
Prejudiced agency personnel	2	4%
Agency procedures (forms; training required)	1	2%
No problems	17	34%
Don't know	11	22%

*Multiple responses were allowed for these questions; therefore, percentages total more than 100.

The comments which accompanied responses that identified BIA Social Services as a most likely resource for help in adopting or providing foster care indicated that some persons on the reservation view the BIA as a starting point in seeking help. Information indicated that assistance from the tribal court often provides security in situations that might have legal implications. In responses involving adoption, a typical comment was: "We'd go to the tribal court so everything would be legal and the parent would not be able to reclaim the child."

The interview concluded with questioning regarding what new child welfare and family- and child-related services respondents would like to see at Fort Berthold, as well as what changes they would like to see in existing services and programs. Table 3-41 presents these responses. It should be noted that of those respondents who desired changes half (50 percent) mentioned the need for better recreational programs and facilities on the reservation and almost one-fourth (22 percent) indicated that programs designed to meet the specific needs of youth--such as employment programs, vocational training, summer work programs, 4-H clubs, and Alateen programs--were needed. It should be noted that over one-fourth of the respondents stated that they were satisfied with existing programs on the reservation.

A small percentage of respondents (10 percent) stated that they felt changes were needed in the attitudes of Fort Berthold residents themselves, rather than in programs or services. The range of these responses varied. Some respondents felt that people needed to be more sure of themselves, while others were disturbed by the dependence of residents on community resources. Typical of the comments of this subgroup of respondents were:

> "The real problems that face families are in their own ways of training--they are not firm and sure."

> "We should take people off welfare to force them to make it on their own and care for their children."

TABLE 3-41

RESPONDENTS' PERCEPTIONS OF NEEDED NEW CHILD WELFARE AND FAMILY- AND CHILD-RELATED SERVICES AND NEEDED CHANGES IN EXISTING PROGRAMS FOR FORT BERTHOLD RESIDENTS*

Number of Respondents: 50
Number of Responses: 93

Needed New Services or Changes in Existing Programs	Number and Percentage of Respondents Mentioning Each Service or Change	
Better recreational programs and facilities	25	50%
Employment and/or vocational programs for youth (4-H; summer work programs; vocational training; employment opportunities)	11	22%
More day care facilities	8	16%
Better employment and economic opportunities for all reservation residents	5	10%
Better coordination and availability of existing services	4	8%
Stricter law enforcement	4	8%
Counseling programs for families and children	3	6%
Special programs for families and children living in housing projects	3	6%
Changes in attitudes of Fort Berthold residents	5	10%
No changes needed; programs are good now	13	26%
Don't know	12	24%

*Multiple responses were allowed for these questions; therefore, percentages total more than 100.

SUMMARY

Two small household surveys were conducted in the Uptown section of Chicago and on the Fort Berthold Reservation in North Dakota. (A discussion of the methodological and practical problems encountered in conducting these household surveys, as well as suggestions for conducting such surveys in the future, can be found in the appendix.)

While it is not possible to generalize from the Fort Berthold and Uptown samples to all reservations and all urban Indian communities, comparisons between these samples may suggest some of the ways in which reservation and urban Indian communities differ, and for that reason comparisons are made here.

While there were certain similarities in the demographic characteristics of the two samples (e.g., approximately one-half of the households at both sites were composed of nuclear families, slightly under one-half of the households at both sites had no employed adults, and approximately one-third of the households with at least one employed adult at both sites also received one or more transfer payments, there were also many differences between them. For example, the Fort Berthold sample was typified by fewer single-parent households, more extended-family households, more children per household, and older "caretakers" of children. More Uptown families reported having children in out-of-home living situations, and more households in Chicago included a non-Indian spouse or other adult.

Nonemployment rates were far higher for the extended families at Fort Berthold than for the Chicago extended families, and they were higher for the Chicago single-parent families than for the Fort Berthold single-parent families. AFDC was mentioned by almost three-fourths of the Fort Berthold respondents as a principal household income source, compared to being a principal income source for only slightly over one-half of the Chicago respondents.

Mobility from off the reservation to the reservation and mobility within the reservation were very low for the Fort Berthold sample. The Chicago sample was more mobile, although it was less mobile than might have been hypothesized with respect to the length of time respondents had lived in Chicago. Only eight respondents had lived in Chicago less than five years, and none had lived there less than one year. There was considerable mobility within Chicago itself. As far as relatives were concerned, the Fort Berthold sample reported having many more relatives on the Fort Berthold Reservation than the Uptown residents reported having in Chicago.

With few exceptions respondents at both sites mentioned that similar problems faced Indian families in raising their children. Alcoholism in the community and/or in the family, economic and employment problems, lack of needed recreational and other programs for youth, and an undesirable neighborhood environment were the most frequently mentioned problem areas. Uptown respondents also cited the difficulties they had had in adjusting to cultural changes when moving from reservations to the city, while several Fort Berthold respondents mentioned family problems, which they attributed to cultural changes affecting lifestyles within the reservation.

When asked where they and Indian families in their community would be most likely to turn for help with any child-related problem they could not solve themselves, Uptown respondents most often mentioned Indian organizations or agencies (either direct service providers or, more often, Indian organizations which provide information, referral, and advocacy services). Fort Berthold respondents most often mentioned federal agencies specifically serving Indians (BIA and IHS).

Attitudes toward the use of formal community resources varied between the two sites. A majority of the Fort Berthold respondents stated they were basically willing to use formal community resources, compared to Uptown respondents, whose most frequent response was that their willingness to use services depended upon the service provider or individual worker. Many Chicago respondents expressed a willingness to use Indian organization or agency services but a reluctance to seek services from non-Indian agencies, because of fear and distrust and/or because of a feeling that such services were not likely to be helpful.

When asked what new or improved family- and child-related services they thought were needed in their areas, respondents at both sites most frequently mentioned recreational programs and activities. Day care facilities were also mentioned frequently by respondents at both sites. The primary difference in perceived service area needs between the sites was that many Uptown respondents mentioned various needs related to out-of-home care of Indian children, while the Fort Berthold respondents cited the need for various vocational and employment-related programs for tribal youth. A last major difference was that almost one-half of the Chicago respondents specified a preference for Indian-run and Indian-staffed programs (without respect to service area), while at Fort Berthold, where almost all social service personnel are Indians, very few respondents mentioned this stipulation.

Chapter 4

PLACEMENTS OF INDIAN CHILDREN WITH NON-INDIAN FAMILIES

The issue in the field of Indian child welfare which has received the most public attention in recent years is the large number of placements of Indian children with non-Indian adoptive and foster families. Twenty years ago Indian children were regarded as "hard to place." The evidence now shows clearly that extraordinarily large numbers of Indian children have been removed from their homes and placed with non-Indian families and that Indian children are very much in demand by adoptive parents.[1]

This placement of Indian children in non-Indian homes has come under broad attack in recent years. Numerous tribes have passed resolutions condemning the practice and warning county social workers not to come to reservations with the purpose of removing children to off-reservation foster and adoptive homes. The Senate Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, held two days of hearings in April 1974, in which the practice of placing Indian children in non-Indian homes was again bitterly assaulted.

Our field and mail research did not include a thorough investigation of the volume and consequences of transracial placements of Indian children. We do feel confident, however, that at the sites we visited there is an increasing awareness on the part of courts, agencies, and social workers that Indians disapprove strongly of the practice of making placements with non-Indian families off the reservation and that many agencies and individuals have become reluctant to make such placements.

Part 1 of this chapter discusses the volume and the impact on Indian children of out-of-home placements with non-Indian families and is based on materials gathered in our review of the published and unpublished literature on Indian child welfare. This chapter also includes case studies of four programs which place Indian children in foster and adoptive homes. These case studies are based on interviews with program staff and on documents provided by these programs.

The first program, the Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints (L.D.S. or Mormon Church), is the largest privately run program in the field of Indian child welfare. Every year it places over two thousand Indian children in foster homes of non-Indian

L.D.S. church members. The objectives of the program are to enable Indian youth to attend public school systems and to teach them religious values.

The second and third studies are of adoption projects supported by the Bureau of Indian Affairs. The Adoption Resource Exchange of North America (ARENA) has been operated for almost twenty years by the Child Welfare League of America. It is an adoption clearinghouse which assists local agencies in making adoptive placements. For many years, the goal of the project was to place Indian children in non-Indian homes. This policy has now changed to favor adoption by Indian parents, and the case study examines the extent to which the new policy has been implemented.

The Indian Adoption Project of the Jewish Family and Children's Service in Phoenix is a new project which takes a different approach in placing Indian children in adoptive homes. It is perhaps the first project in the country established specifically to recruit Indian adoptive parents. It provides direct adoption services, with casework provided by an Indian with a Master's degree in Social Work (M.S.W.).

The Native American Family and Children's Service of Minneapolis, the subject of the fourth case study, is unlike the three preceding projects in that it has been developed by nonprofessionals within the Indian community. It has been very successful in recruiting Indian foster homes and in providing other services, but it has been unable to obtain sufficient financial support to become a licensed child-placing agency.

There are many other significant programs which deserve equal consideration with the four studied here. In another report published by this project, a chapter is devoted to describing several programs operated by tribal governments or by urban Indian organizations.*

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*See Ellen L. Slaughter, *Indian Child Welfare: A Review of the Literature* (Denver: University of Denver, Center for Social Research and Development, 1976), chapter 6.

PART 1

THE VOLUME AND IMPACT OF PLACEMENTS*

THE VOLUME OF PLACEMENTS

Although there has been no widely accepted national study of this problem, most estimates indicate that the number of Indian children in out-of-home placements has been extremely high. A 1962 BIA study of children whose foster care was paid for by the BIA estimated a rate of placement double that for non-Indian children.[2]

During the 1974 Senate hearings on Indian child welfare several speakers presented statistics on the numbers of Indian children in placement. Dr. James Shore of Oregon stated that 28 percent of the youth under age eighteen of the Confederated Tribes of the Warm Springs Reservation in Oregon were in placement several years earlier. Thirty-four percent of these were in foster care placement by the state, 21 percent were in boarding schools, and the remainder were in other off-reservation homes or in tribal foster homes.[3]

A published article by Dr. Joseph Westermeyer, which was entered into the record, reports statistics from a Minnesota study conducted between 1969 and 1971, which found that "the rate of foster placement and state guardianship for Indian children ran 20 to 80 times that for majority children in all counties studied."[4]

Several speakers at the hearings also referred to statistics estimated by the American Association on Indian Affairs, Inc. (AAIA), which were entered into the record. The AAIA estimates indicate that one out of every eight Indian children in Minnesota was in an adoptive home and that Indian children were placed in foster homes at a rate 4 to 5 times higher than non-Indian children in Minnesota; 2.6 times higher in Arizona; 15.7 times higher in South Dakota; and 9.6 times higher in Washington.[5]

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*Much of what follows is taken directly from Ellen L. Slaughter, Indian Child Welfare: A Review of the Literature (Denver: University of Denver, Center for Social Research and Development, 1976), chapter 6.

These figures are based on a number of assumptions, however, and have come under some criticism. But even if the AAIA figures are too high, it does seem clear that the number of out-of-home placements of Indian children is still extraordinarily large. A letter from the Minnesota Department of Public Welfare to the Chicago Regional DHEW office states:

> [AAIA] assumes that the average age of Indian children placed for adoption is three to four months; that all Indian children adopted are adopted by non-Indian families; and that all of the Indian children adopted in Minnesota were born in Minnesota. None of the above assumptions are valid; thus the conclusions from these invalid assumptions, which are asserted as facts, are inaccurate and portray a false picture of what is actually happening to Minnesota's Indian children.[6]

The letter goes on to point out that 45 percent of all adoptions of Indian children in Minnesota between 1968 and 1974 were of children who were brought into Minnesota for the purpose of adoption, mostly from Canada.[7]

A memorandum from the BIA Billings Area Director to the Commissioner of Indian Affairs, BIA, agrees with the AAIA estimate that "in Montana Indian children are placed in foster homes at a rate ten times the national average." However, he disputes the AAIA estimate that 96 percent of foster care placements in Montana are of Indian children. The memorandum cites state figures as of January 1973 that approximately 30 percent of foster care placements made by the state are of Indian children. If BIA foster care placements are included, the percentage rises to 54 percent Indian. If placements in BIA boarding schools and boarding dormitories for social reasons are added, together with placements by the Indian Placement Program of the Church of Jesus Christ of Latter-day Saints and other cases involving Indian children who are living away from home but are not in foster care or in a boarding school, then Indian children account for 73.3 percent of all out-of-home placements in Montana as of January 1973.[8]

REASONS FOR OUT-OF-HOME PLACEMENTS

Several reasons have been suggested for the high volume of out-of-home placements of Indian children. First of all, for many years, placements in BIA boarding schools and missionary schools and placements in white foster homes combined with BIA or public school education seemed to many people to be deliberate devices for encouraging Indian children to assimilate into Anglo society. Second, the lack of preventive and supportive services on reservations and in urban Indian communities contributes to the high placement rates. Third, the high rate of alcohol abuse among Indians has also caused social workers to remove Indian children from their homes in disproportionate numbers. For example, Dr. James Shore reported that alcohol abuse was the primary cause for child removal in 95 percent of the cases on the Warm Springs Reservation.[9]

Some witnesses at the Senate hearings attributed the high placement rates for Indians to the application of culturally biased standards in judging whether or not an Indian child should be removed from his or her home. William Byler of the AAIA stated that the persons responsible for making decisions about child neglect may not be equipped by their professional training to decide whether or not a child is suffering emotional damage at home, in spite of conditions which might indicate neglect in an Anglo middle-class home. For example, Indian children are given a great deal more responsibility than is common in Anglo culture. They may play farther from home unsupervised by an adult (although older children are usually responsible for the younger ones).[10] Dr. Joseph Westermeyer also found that in Minnesota parents leaving young children in the care of eight- or ten-year-old children were charged with abandonment.[11]

Several witnesses at the hearings testified to another cause of high out-of-home placement rates of Indian children--the failure of officials to follow proper legal procedures in cases involving the removal of Indian children, thus taking advantage of Indian parents who were not aware of their rights. A number of witnesses at the hearings were Indian people who had lost custody of their children, and their testimony indicated substantial abuses of proper legal procedures. These parents were often unaware of their rights and were not informed of them, and they were not given adequate advice or legal assistance at the time when they lost custody of their children.[12]

Drs. Mindell and Gurwitt testified to another cause for the removal of Indian children:

> The decision to remove a child from his parents is often made by poorly trained federal and state agency personnel and without the parents' understanding their rights, e.g., where they may voluntarily waive their parental rights without understanding the implications.[13]

Although social workers cannot remove a child from a home without a court order, Bertram Hirsch of the AAIA noted that in the tribal courts the Indian parent usually does not have a professional attorney and may be unable to counteract the professional knowledge of the social worker through cross-examination.[14] Dr. Gurwitt stated at the hearings that "the child has had no advocate in court to represent his interests, nor in most cases, [have] his parents."[15] Dr. Carl Mindell indicated that courts usually take the word of the welfare worker more readily than the word of the parents.[16]

THE IMPACT OF REMOVING CHILDREN FROM THEIR HOMES

An important issue with regard to the placement of Indian children is the effect of placement on both the children and the family. Westermeyer found in Minnesota that "when the children were taken away by a social agency, the Indian couple split up immediately or soon afterwards (no exceptions to this were encountered by the authors or reported by informants)."[17] A witness at the hearings from Pine Ridge, South Dakota reported, on the basis of a survey on the Rosebud Reservation, that "I found most of the people are concerned about the Indian children, but it seems to me like once an Indian family loses a child, they give up."[18] Dr. Shore testified, "Once placement of the children has been initiated, Indian parents often withdraw, become depressed and begin or resume intensive drinking."[19]

A 1970 BIA workshop on "Social Services for Parents of Children in Boarding Schools" reported:

> Research indicates the door of a child's home begins to close behind him when he leaves home and that if we are going to help families we must get our foot in that door to prevent its closing. Once there has been a break in a parent-child relationship that relationship is difficult to reestablish.[20]

NUMBER OF PLACEMENTS IN NON-INDIAN HOMES

Witnesses testifying at the Senate hearings on Indian child welfare generally agreed that large numbers of Indian children are placed in non-Indian foster or adoptive homes. Westermeyer found that in Minnesota in 1969 of over seven hundred foster homes caring for Indian children, only two had an Indian parent,[21] although in his testimony at the hearings he stated that more Indian foster homes have been recruited since 1969.[22] An evaluation of the Seattle Alternative to Foster Care project states that a 1974 survey of placements of Indian children in Washington found that 114 of 159 children (72 percent) were placed in non-Indian homes.[23]

A 1962 BIA study (available only in draft form) of children in BIA-supervised foster care found that "over half of the foster mothers were Indian, over two-fifths of the foster fathers." The percentages were somewhat lower for children whose supervision was shared by the BIA and the state or county welfare department.[24] BIA's 1972 follow-up study found Indian parents in about 65 percent of the BIA-supervised cases.[25] It should be noted that the figures for 1962 and 1972 are not comparable, as the 1962 study asked about mothers and fathers separately, while the 1972 study asked for combined figures for Indian parents.

Indian children placed for adoption have also frequently been adopted by non-Indian families. A witness at the hearings cited statistics from the Tripp County (South Dakota) Welfare Department that show that from 1967 through 1974, 898 Indian children were adopted, 354 by Indian families and 544 by non-Indian families.[26] Partly because of the decreasing numbers of Anglo children available for adoption and changing attitudes toward interracial adoptions, the demand for Indian children has increased dramatically.[27]

The Child Welfare League also conducted a survey in 1966 of ninety public and voluntary agencies in states having large Indian populations. They found that 696 children of "Indian extraction" were placed with Caucasian couples, 14 with Indian couples, 32 with Indian-Caucasian couples, and one with a Mexican-Indian couple. The remainder were placed with Negro, Mexican, or Oriental couples.[28]

IMPACT OF PLACEMENTS WITH NON-INDIAN FAMILIES

The results of placements of Indian children in non-Indian homes have become of grave concern for many Indian people and also for non-Indian people who work with them, especially psychiatrists, psychologists, and social workers. One concern is that Indian cultures are being destroyed by this practice since so many Indian children are not learning Indian ways. A typical Indian view was expressed by Mrs. Phyllis Fast Wolf, an Oneida living in the Uptown area of Chicago: "Thinking Indian is a way of life and I think that these children should have an opportunity to learn our heritage and set of values."[29] This concern was also expressed by a number of witnesses at the Senate hearings; for example, one witness labeled the pattern of placements as "another form of that systematic form of genocide."[30]

The second aspect of the placement of Indian children in non-Indian homes that is of concern is the psychological damage to the children that may result. As one author writes, when children are placed away from the reservation, they "face breaking ties not only with parents and siblings but also with friends, relatives, community, culture, and everything familiar."[31] Several of the psychiatrists who testified at the hearings also reported on the ill effects suffered by children removed from their homes and placed in unfamiliar environments. While this issue is not specific to placements of Indian children, it is exacerbated by the cultural differences experienced by the Indian child placed in a non-Indian home.[32]

If an Indian child is placed in a non-Indian home while he is still a baby, problems may arise in later years, particularly during adolescence. Dr. Westermeyer testified that the adolescents and adults he had seen in his practice had been "raised with a white cultural and social identity"; then, "during adolescence they found that society was not to grant them the white identity that they had." They encountered this identity problem through pressures from white parents on their children not to date the Indian children, derogatory namecalling, and difficulty obtaining jobs and credit.[33] The problem was compounded by the lack of an Indian peer group and family to support the Indian children in this identity crisis.[34] Mel Sampson, another witness and a tribal councilman of the Yakima Indian Nation, stated: "They literally suffer when they discover that their physical appearance is not that of their adopted parents. . . . The wonderment and the search for true identity is crucial and probably, at times, never completed."[35] The evaluation of the Alternative to Foster Care project in Seattle states that placements of Indian children in non-Indian homes "regardless of their quality, pose serious questions regarding the degree of ethnic identification possible for children so placed, and the effect of ethnic identification on general identity formation."[36]

In 1960 SRS (DHEW) funded a research project to measure the success of transracial adoptions of Indian children under the ARENA project, which is described in detail in part 3 of this chapter. The research attempted to study the characteristics of a sample of adopting couples and to learn more about the experiences of the families and children during a five-year period after the placements.[37]

The methodology of the study was to interview the adoptive parents in five annual interviews. The children were rated by David Fanshel, the author of the study, on the basis of information provided by parents on a number of physical and behavioral characteristics. Fanshel reports that 53 percent of the children were showing problem-free adjustments, 25 percent were showing adequate adjustments, and 11 percent were showing guarded adjustments to their adoptive families (see table 4-1). However, with regard to the issues of the psychological impact of identity conflicts, it should be noted that most of the children were still of preschool age. As Fanshel notes:

> We are dealing with a relatively young group most of whom, when they were last seen, were just entering school. We know that at such a young age most children will appear to be adjusting within a relatively normal range. Greater differentiation can be expected when the children are older and well along in their school careers.[38]

Therefore, in order to ascertain the long-run success of transracial adoptions of Indian children, an additional follow-up study would be needed.

Beginning in the late 1960s, many tribes started to take formal legal action to forbid off-reservation placements as a way of expressing their opposition to the high number of placements with non-Indian families. In 1974, the National Congress of American Indians (NCAI) passed a resolution which stated:

TABLE 4-1

ADJUSTMENTS OF ARENA ADOPTEES

No. of Adoptees	Percent	Level of Adjustment
10	10	Level One. (Child is making an excellent adjustment in all spheres--the outlook for his future adjustment is excellent.)
41	43	Level Two.
24	25	Level Three. (Child is making an adequate adjustment--his strengths outweigh the weaknesses he shows--the outlook for his future adjustment is hopeful.)
10	10	Level Four.
10	10	Level Five. (Child is making a mixed adjustment --generally the problems he faces are serious and the outlook for his future adjustment is guarded.)
1	1	Level Six.
None		Level Seven. (Child is making an extremely poor adjustment--the outlook for his future adjustment is unpromising.)

SOURCE: David Fanshel, Far From the Reservation: The Transracial Adoption of American Indian Children (Metuchen, N.J.: The Scarecrow Press, Inc., 1972), p. 280.

There is a serious crisis in social services to Indian families and children resulting in:

1. Placement of Indian children in non-Indian foster homes
2. Adoption of Indian children by non-Indian parents
3. Eroding of traditional life and custom and eventual breakdown of Indian family life
4. Absence of supportive services to the family as it experiences problems in daily living[33]

PART 2

THE L.D.S. INDIAN STUDENT PLACEMENT PROGRAM

The Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints is unprecedented in the history of Indian education. Through the foster placement by Latter-day Saints of Indian children in the homes of church members, the program provides public school education in a family and community setting which is predominantly non-Indian and reinforces the teachings of the church.

The program currently affects the lives of approximately two thousand students and their families.[40] The students represent at least fifty different tribal communities in the United States and Canada, with the Navajo Nation in the Southwest contributing the overwhelming majority of participants.[41]

Despite the age of the program and its unusual feature of providing education through foster placement, few studies have been made of the program, and very little is known about its effects upon the students, the natural parents, and Indian communities. In the literature about the program, it is difficult to separate fact from fiction, church propaganda from antichurch propaganda, and opinion from views based upon experience and research.

Through a review and analysis of the history, current operations, and effects of the program, this case study will attempt to clarify the role of the Indian Student Placement Program in Indian education and point the way to fruitful discussion of the issues it raises. This study is based primarily on two theses (one by a former director of the program), an interview with the current director of the program, and pamphlets published for participants in the program.

ORIGINS AND HISTORY OF THE PROGRAM

The origins of the Indian Student Placement Program can only be understood within the context of Mormon beliefs about American Indians. These beliefs stem from the Book of Mormon, "a scripture considered by the Church to be a history of Indian people,"[42] and are found in the story of Lehi who, about 600 B.C., received a warning from the Lord to leave Israel before its destruction. Lehi's party journeyed to the ocean where they built a ship and sailed for "a promised land," the New World. After their arrival, Lehi died and the Nephites, who were descendants of his good sons, Nephi and Sam, separated themselves northward from the Lamanites, who were descendants of his bad sons, Laman and Lemuel. The Lamanites were later cursed by the Lord with darkened skin. The Nephites and Lamanites fought for thousands of years, except for a period between 34 A.D. to about 200 A.D. when Christ appeared among them to preach and organize the church. Finally, the Lamanites destroyed all the Nephites, except Moroni, Son of Mormon, who preserved the scriptures on metal plates, not to be revealed again until there arose in the world a prophet worthy of imparting their message to mankind. These were the plates found by Joseph Smith near Palmyra, New York and translated into the Book of Mormon."[43]

As descendants of the Lamanites, present-day Indians are an integral part of Mormon theology. Their redemption is part of the religious calling of the faithful. Lamanite redemption attracts hundreds of young Mormons to work in Indian communities in North and South America on two-year missions for the church.

In 1947 three Navajo girls, whose parents worked as migrant sugar beet harvesters, asked for and received permission to stay with Mormon families in Richfield, Utah and go to school. Over the next twenty years these initial placements gradually developed into a full-fledged placement program.

During the early years, the role of the church involved helping Richfield families locate "boarding homes" for the growing number of Indian students wanting to get an education.[44] At the time, arrangements between the "boarding families" and the natural parents were informal. Sometimes, the children simply moved in; at other times, the "boarding parents" went to the homes of the natural parents to arrange to help the children. When and where they could, church authorities found "boarding homes" in Utah, Southern California, and Oregon.

In July of 1954, the First Presidency and the Council of Twelve Apostles turned these "informal matters" into an official church program and placed it under the direction of an Indian Committee, headed by Apostle Spencer W. Kimball. In the following years, many of the weaker features of the program were refined and brought into compliance with state laws governing child custody and foster placement.

In the early years virtually no records were kept on the number of Indian students in Mormon homes. Later, however, key church officials from this period, such as Golden Buchanan and Miles Jensen, estimated the number on a year-to-year basis as follows:[45]

1947-1948	3
1948-1949	9
1949-1950	21
1950-1951	30
1951-1952	40
1952-1953	55
1953-1954	68

As the number of Indian student placements in Utah homes increased, questions about the legality of these "boarding homes" came to the attention of the Bureau of Services for Children of the Utah Department of Public Welfare, which was responsible for foster care placements in the state. The director of the bureau expressed concern over the "boarding homes" to the general president of the church's Relief Society organization, a nonprofit corporation holding a state-issued license to place minor children in foster care.

This exchange prompted a series of meetings out of which came a legal, foster care placement policy for the program. Administratively, the program was placed under the supervision of the Relief Society. Jointly, the president of the Relief Society and the director of the program established criteria to meet state standards in licensing foster homes, and they also developed a voluntary legal consent agreement, to be signed by the natural parents and representatives of the Relief Society. This agreement gave permission to the program to act in the best interests of the child. Other features of the program also emerged at this time. Selection criteria required that the prospective students be members of the church, of school age (at least six years old at the time), and of healthy mind and body. Special consideration was to be given to those who had some knowledge of the English language.[46] To overcome the problems of transportation from natural to foster homes and to screen out children with diseases, the Mormons created a reception center in southern Utah. Later, when the program expanded, the center was moved to Brigham Young University.

In working out the legal basis of the placements, church authorities discovered that their state license to place minor children only applied to Utah. Church officials quickly disavowed sponsorship of placements in other states, encouraging children in such placements to return to their natural homes or accept placements in Utah. They then began to investigate ways in which placements in other states could be made legal.[47]

The device finally hit upon was simple and effective. Mormon church officials in these states formed nonprofit corporations which applied for state licenses to place minor children and to perform other welfare activites. However, corporation staff members who were involved in the placement program reported directly to program officials in the Relief Society headquarters in Salt Lake City. Arizona Mormons established the Arizona Relief Society Social Services in 1962. Similar corporations were established in Idaho, Washington, California, Georgia, and other states, as well as in several Canadian provinces.[48]

During this period, the only recorded opposition to the program flared up at Peach Springs, a small community of Hualapai Indians in northern Arizona. Hualapai parents complained to the BIA social services representative about the circumstances under which their children were participating in the program. They charged the program with "proselytizing enticement to encourage mass baptisms of children," alienating the "affection of children from their natural parents," depriving parents of the "responsibility of training and caring for their own children," removing children from the reservation "for education when it was available in their own communities," and using poor casework practices in carrying out the Program."[49]

The social services staff at the BIA Phoenix Area Office at first seemed alarmed by the charges and called upon a regional consultant for the U.S. Children's Bureau at Denver, Colorado to explore the charges. The consultant transmitted these complaints to the president of the church's Relief Society. The director of the Utah Department of Public Welfare also transmitted a backlog of complaints to the Relief Society's headquarters and suggested a meeting between the program staff, the Utah Department of Public Welfare, Bureau of Indian Affairs social services representatives and other interested parties. The Hualapai parents who originated the charges were not included as "interested parties."

The meeting took place at Kanab, Utah on 19 March 1957. The Relief Society, the Utah Department of Public Welfare, U.S. Children's Bureau, Bureau of Indian Affairs, U.S. Public Health Service, and the Arizona Department of Public Affairs sent representatives. At this meeting, church authorities explained the program's objectives, procedures, and policies. According to Clarence Bishop, a former program director and social worker who relied upon minutes kept by the Relief Society to reconstruct the meeting's activities, most of the participants supported the program and left with their misunderstandings and fears allayed. A year later a follow-up meeting took place, the highlight of which was the appearance of two representatives from the Navajo Tribe, who suggested that the age limit of participants be raised from six to eight years of age.[50]

Subsequently, without overt opposition and with the establishment of clearer procedures and policies, the program expanded very rapidly. Table 4-2 shows placements on a year-by-year basis from 1954-1955 to 1975-1976 and indicates the degree to which the Mormons have expanded the Indian Student Placement Program.

In two decades a gesture of goodwill, rooted in the scriptural beliefs of the church, had been transformed into a full-fledged program offering thousands of Indian children a public school education in a family and community setting which reinforced the teachings of the church.

CURRENT OPERATIONS AND PROCEDURES

In any given year, only 40 percent of the students who apply to the program are accepted. To be eligible, a student must be at least eight years old and a church member. In addition, the candidates are required to be "in good physical and mental health and show evidence of educational achievement which would qualify [the student] to compete in a non-Indian setting."[51] The natural parents of the students should be members of the church or clearly support its beliefs and teachings. Confirmation of this requirement is provided by local branch presidents, the majority of whom are Indian.[52]

TABLE 4-2

THE NUMBER OF STUDENTS PARTICIPATING IN THE PLACEMENT PROGRAM FROM SCHOOL YEAR 1954-1955 TO SCHOOL YEAR 1975-1976

School Year	Approximate Number of Students
1954-1955	68
1955-1956	253
1956-1957	242
1957-1958	307
1958-1959	339
1959-1960	365
1960-1961	418
1961-1962	423
1962-1963	514
1963-1964	570
1964-1965	978
1965-1966	1,359
1966-1967	1,569
1967-1968	2,147
1968-1969	3,107
1969-1970	4,467
1970-1971	4,997
1971-1972	4,730
1972-1973	3,833
1973-1974	2,917
1974-1975	2,350
1975-1976	2,302

SOURCE: Clarence R. Bishop, "Indian Placement: History of the Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints," mimeographed (Master's thesis, University of Utah, 1967), pp. 53, 68, 85, 95; and letter from the Commissioner's Office, L.D.S. Social Services, 8 June 1976.

Prior to placement, the natural parents enter into a "legal agreement with the social services agency representing the Mormon Church which authorizes the staff of the Placement Program to act in the best interests of the child and remains in force for the full school year." Only in instances of dire emergency is the student permitted to return to his home. Upon signing the agreement, the natural parents waive their right to sue the church or its representatives for any act of "commission or omission" which might result in damage, injury, or harm to their child during the term of the agreement. In return the program agrees to provide the child "a good home environment and such educational, cultural and spiritual opportunities as will tend to help such child grow from child to adult in a happy and useful manner."[53] Foster parents selected to participate in the program must be active in the church, uphold its moral standards, attend church regularly, and conduct family prayer and family home evenings as verified by the local bishop. In addition, they are also required to be at least ten years older than the child and "should have a stable marriage relationship.[54] All but a very few foster parents are Caucasians.

Upon taking custody of a child, foster parents assume all financial obligations for its basic necessities. Only in cases of major medical expenses does the church provide financial assistance. Because of this financial obligation foster-parent heads of households are allowed federal income tax deductions which cannot exceed "$50 multiplied by the number of full calendar months during the taxable year which fall within the period the student is maintained in the taxpayer's household." Under this special tax legislation, lobbied through Congress by Utah congressmen, fifteen or more days is considered a calendar month. Tax levies in the state of Utah allow dependent tax deductions, but only after the first calendar year of placement has been completed.[55]

The social service agency of the church permits foster families to indicate preferences for the age, sex, and general characteristics of the child they would prefer to have share their home. However, the final decision about placement rests with the caseworker.

The role of the professional caseworker in the program is twofold: (1) to verify the qualifications of the natural and foster parents to participate in the program; and (2) to ease the problems of separation and adjustment by visiting the child and the foster parents approximately once a month, or more frequently if necessary. At present, the program employs only one Indian caseworker.

In carrying out his or her role the social worker is responsible for working with the child and family in maintaining a minimum academic average (2.0 or C) and behavior standards expected by the placement program. The program does not provide a list of behavior standards expected, but most of these seem to relate to the teachings and beliefs of the church and standards of behavior expected in white communities.

Failure to meet the academic and behavioral standards results in a visit by the caseworker who explains the standards to both the students and the foster parents and helps them work out a plan whereby the standards can be met. If, after a reasonable period of time, the standards are still not being met, the student is placed upon self-imposed verbal probation. At this time privileges in the home and program are likely to be forfeited, and the caseworker's visits increase in frequency. If no results come from self-imposed verbal probation, the student places himself or herself upon written probation. A letter from the program director indicating [illegible] is sent to the student and foster parents, and concentrated casework continues while the student forfeits privileges. After another reasonable interval of time one of three things may happen: (1) the student may be restored to "full standing in the program"; (2) the period of probation may be extended "to allow for continued improvement"; or (3) the student may be "dropped from the program and returned to the natural parents."[56]

While the youngsters are away from home the natural parents are encouraged to write letters instructing the children to "study hard in school, remain active in church work, and obey foster parents."[57] During the first year of the program, parents are discouraged from visiting the students "because it increases homesickness," and thereafter visits are expected to be prearranged with the foster parents and the caseworker. Students are not allowed to make long-distance telephone calls except in English in the presence of the foster parents, and the natural parents are discouraged from making frequent calls. No money is to be sent to the children unless the foster parents are notified. If they are able, natural parents are encouraged to assist in the expenses of their children. "Remember it is a privilege to assist with the expenses of your own child" states the "Natural Parent Guide" of the program.[58]

In the daily round of school and family life the students play an active role. They are expected to comply with the education and behavioral standards of the program. School and church attendance are mandatory, and the students must abide by the disciplinary practices of the foster family. They are also required to do their fair share of household duties and to learn from the daily activities of the foster family.

For younger students dating is discouraged, and in the case of older students it is controlled to assure the natural parents "that their [children's] associations while in the Program are with only the finest of children."[59] Interracial dating is also discouraged since it might lead to marriage.[60]

To promote social experiences and mixing, local gatherings of Lamanite students and their foster parents are supported by the program. At other student parties a non-Indian chaperone must be present.

The annual Lamanite Youth Conference, held each year in Salt Lake City, is an event looked forward to by the students all year. Former and current program youth assemble from all over the country. At the conference, Indian heritage and culture are emphasized, and Indian speakers from the Indian community address current Indian issues.[61]

The placement program regards itself as a year-round venture. The summer program is "designed not only to provide support for the students in living the gospel" but also to provide "an opportunity for them to share their experiences with friends, neighbors, and families."[62]

Like other features of the program, the summer program is closely monitored. Before the students leave for their natural parents' homes, all students and foster families are interviewed by the local bishop. He completes a "referral card" provided by the Indian Committee and forwards this to the local branch president in the student's home community. On the card are listed the abilities of the student. At the end of the summer the president completes the reverse side of the card, outlining the student's progress and returns the card to the bishop in the community of the foster family.[63]

To say that the operations and procedures of the program are extensive and efficient would be to engage in understatement. Every detail has been worked out, from application to graduation and beyond, presumably for smooth operation of the program and the benefit of the students. That these rules and regulations might conflict with the cultural values of the participants or confront them with psychological and cultural stress seems of secondary importance to the program staff. It is the end result--scholastic achievement, growth in religious beliefs and practices, and leadership skills--which concern the program and the church.

EFFECTS OF THE PROGRAM

In the literature distributed about the program, the purposes or objectives are clear. The program "exists primarily for the educational opportunities it affords the children it serves."[64] In the milieu of foster homes and community life emphasizing religious beliefs and non-Indian values and standards of living, the youngsters learn how to compete successfully in non-Indian society. Upon graduation they can further their education and, if they choose, serve in leadership positions in their own communities.

Sponsors and supporters of the program believe that these objectives are being accomplished. However, the program has never been subjected to formal evaluation by independent professional educators and social workers. Program records are open only to church-approved researchers, and the evaluations which have been made are either "inhouse" or limited in scope. As a result, what is known about the effects of the program upon the students, the natural parents, and Indian communities must be interpreted with caution.

In assessing the effects of the program upon the students, several factors must be taken into consideration: (1) student aspirations for and expectations of the program; (2) problems of cross-cultural accommodation experienced by the participants; (3) the percentage of students who withdraw from the program; and (4) the percentage of students who graduate from high school and go on to postsecondary education and leadership roles.

In a study of forty-nine placement students in five high schools in Davis County, Utah in 1971, Dorothy J. Schimmelpfennig found that 50 percent of the students "gave education as their principal objective" in joining the program. The other students indicated the following reasons for participation: close relatives or friends previously or currently in the program recommended that they join, parental decisions, religious purposes, and escape from reservation life.[65]

Thirty-seven of the forty-nine students interviewed by Schimmelpfennig "who planned to continue their education aspired to make their future homes in white communities." Although "not contemptuous of reservation life per se," the majority of these students possessed a "low opinion of economic and moral conditions on the reservation." They "deplored their people's lack of drive for self-improvement and hated the necessity of accepting welfare."[66]

Of the nine students who wanted to return to the reservation, five had no definite plans. The others wanted to serve their people in specific professional occupations or as role models and examples of success.[67]

Although it is dangerous to make too much of the views of forty-nine students, it is clear that the majority of the students in the Davis County high schools looked upon the program as an escape from reservation life. Whether they arrived at this view through their own observations and reflections or through the influences of the church and the program is unknown. Schimmelpfennig believes that the students' expectations and aspirations "appear to be in harmony with those of the public school system and the objectives of the Placement Program."[68]

Although limited in scope, Schimmelpfennig's findings raise some provocative questions. Does the program prepare Lamanite youngsters for leadership positions in Indian communities or provide an escape from reservation life through integration into non-Indian society? Is education or acculturation to Mormon beliefs and lifestyles the major purpose of the program?

To answer these questions, more extensive studies of the students and the program would have to be made. There is little doubt, however, that the students are exposed to acculturative influences while their own culture and traditions are deemphasized. Intentional or not, this would seemingly reinforce any negative views about Indian life which they might hold and place a premium upon education as a means to escape reservation life. If the program has this effect, then its objective of producing leaders who can successfully compete in Caucasian society and apply their talents to the needs of their own communities may be unbalanced in the direction of integration into American society.

In his study of the historical development of the program, Clarence Bishop raises the possibility that the students may experience cultural and psychological stress and cautions the program to be on guard against such effects. He observes that "a program with such intensive influence upon the life of an individual can equally provide a great opportunity or be a severe anxiety producing experience."[69]

However, Bishop views the church and the program as experiences providing "a great opportunity" for the participants. As he points out:

> The Advisory Committee members, Program staff, and others who have been identified with the Indian Student Placement Program through the years are convinced that the Program provides valuable leadership training for the Indian children it serves.[70]

Yet, the "anxiety-producing" features of the program loom large. Voluntary or not, foster homes are seldom as beneficial to youngsers as their natural homes. There is a growing body of social work literature concerning the "syndrome" of foster-home children, manifesting itself in "free-floating anxiety," anomie, and inability to maintain permanent relationships based upon trust.[71]

Too little is known about the effects of foster placement upon the students to compare their experiences with those of other foster children. However, in the related area of cross-cultural accommodation, Schimmelpfennig uncovered data which suggest that closer attention should be paid to these aspects of the program.

In her study of the problems of cross-cultural accommodation as perceived by the students, Schimmelpfennig found the students were aware of and experienced many instances of cultural and psychological stress. Problems of cross-cultural adjustment arose with respect to loss of autonomy in the more rigid and structured environment of the foster home, in financial dependency upon the foster parents, in feelings of inferiority and insecurity in the communities in which they lived, and in confusion over unfamiliar rules of conduct imposed by the families and the community. Stressful situations developed as well over conflicting patterns of social behavior, social distance between Indians and non-Indians, Anglo-American time concepts, language difficulties, and racial sensitivity.[72]

These same students, however, complimented the calibre of teaching offered in the placement schools as compared to reservation schools and supported the grading system, despite the fact that they suffered from severe language handicaps in the classroom. In their relations with non-Indian students they felt that there was no discrimination in extracurricular activities.[73]

Student attitudes towards the schools and the teachers verged on "reverence." To them, Schimmelpfennig observed, the schools and the teachers represented the "epitomy of white man's knowledge" and no sacrifice or modification of behavior of which they were capable seemed too great to achieve the goal of personal and tribal advancement.[74]

The greatest source of stress for the students was found in their relations with the foster parents. The major points of cultural conflict centered upon use of native language, values, and suppression of tribal identity. These, in addition to the aforementioned problems of cross-cultural accommodation, were the greatest sources of stress, frustration, and feelings of hostility manifested by the students. It is to be hoped, as Schimmelpfennig wrote, "that the commodity Placement Program students are buying with their cultural birthright proves to be a worthwhile investment and does not result in an alienation from and an ambivalence toward both worlds."[75]

As Schimmelpfenning notes, "The fact that problems of cross-cultural accommodation have been isolated and identified should not be considered an indictment" of the program, the schools, or the foster parents. Many of the problems of cross-cultural accommodation experienced by the students stem from the larger society's ignorance of the cultural differences separating Indians and non-Indians and the "psychological and emotional stresses that accompany the process of acculturation."[76] Their exposure should provide the incentive needed to rectify these problems and reduce the strain of adjustment wherever possible.

Yet the fact remains that many of these problems are related to the program's main features: foster homes and exposure to family and community life which is predominantly non-Indian and which reinforces the teachings of the church. It may be impossible to reduce cultural conflict without radically altering the main features of the program.

In support of the program's objectives and current procedures, Clarence Bishop and the present director of the program Harold Brown cite data which highlight the program's success in educating the students. The dropout rate, they point out, is very low--between 12 percent and 18 percent on a yearly basis. This rate compares favorably with reservation schools where the dropout rates are much higher.[77]

Bishop reports that 80 percent of the program's graduates continue their education, either in vocational-technical schools or in institutions of higher education. Many of the graduates attend Brigham Young University, also sponsored by the Mormons, where they benefit from a program designed to help Indian students adjust to the demands of collegiate life.[78]

According to Brown, the graduating high school seniors generally have a higher grade point average (3.0 or better) than the average non-Indian students. In a survey of the future plans of seniors conducted in 1974, the results revealed that: 74.5 percent of the seniors planned to go to college or other postsecondary schools; 7 percent wanted to serve two-year missions for the church; 9 percent desired full-time employment; and 9.5 percent were undecided about future plans.[79]

Corroborating data from other sources to support the educational success of the students in the program does not seem to be available. Neither the public schools which these students attend nor the Bureau of Indian Affairs collect educational data on the students. Assuming that the data on dropout rates and the percentage of students who further their education on the postsecondary level are reliable, then the program's educational record appears very impressive.

Even though no studies have been made of the natural parents' view of the program or the effects of the placements upon parental roles and family life, Bishop also views the effects upon the natural parents as positive. Through sharing in the growth and development of the child, he says, both natural and foster families are strenghtened. Not only do a large majority of the students continue in the program through graduation, but brothers, sisters, cousins, and other relatives are encouraged to take advantage of the opportunities offered by the program, which would certainly seem to be positive signs.[80]

The concerns first raised by the Hualapai parents, however, still need to be answered. Is there a need for such a program when there are schools available to the students in their own communities? Does the program undermine the parental role? What effects does the program have on the affections of children for their natural parents?

In the view of the church and the program the effects are positive, since they provide Indian communities with trained and skilled tribal members who work in leadership positions. It is interesting to note that this rationale first appeared when the program came under attack by the Hualapai parents. Since then, some Indian and tribal leaders have supported the program and the leadership-training rationale.[81]

Bishop and Brown both argue that many former program participants have become local, regional, and national leaders in Indian affairs or in other facets of American life. Again, however, this assertion must be accepted upon faith because of an absence of concrete data showing the number of former placement program students in leadership roles. This argument also presumes that leadership criteria for Indian communities are definable and measurable. What kinds of leaders does the program produce? Are the majority of the leaders in the church? In Indian communities? In non-Indian communities?

Leadership and education mean different things to different people, and the views of the program and those of Indian communities cannot be assumed to be the same. Little evidence exists that the program has attempted to shape its leadership training in response to the professional and technical needs of Indian communities. As is true of most other non-Indian educational programs, it is assumed that tribal needs are the same as those of American society in general. This assumption plus the proselytizing dimensions of the program and its orientation to non-Indian culture (especially the encouraging of Mormon beliefs and life styles), suggest that there is reason to doubt the ability of the program to provide leadership training for Indian communities.

CONCLUSION

The Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints places over two thousand Indian children in predominantly non-Indian homes during the school year. The program has three dimensions: child welfare through foster placements, public school education, and training in the religious beliefs and lifestyles of church members. Each of these dimensions is vitally dependent upon the others in the functioning of the program.

In origins, operations, and purposes the program reflects the beliefs of the church about American Indians. Central to these beliefs is the idea that Indians are disgraced Lamanites and that their redemption is part of the religious calling of the faithful. A more critical issue surrounding the proselytizing activities of the church involves the integrity of Indian history and culture. However much a part of church doctrine and however well-intentioned, Lamanite redemption rests upon a view of the Indian past at odds with the findings of history and anthropology. Moreover, it denigrates Indian history and culture in its belief that redemption is necessary. The goals of the program are to provide educational, spiritual, social, cultural, and leadership opportunities to Indian children who are affiliated with the L.D.S. Church.

Officials of the program point to impressive figures showing low dropout rates in comparison to reservation schools and high percentages of students who continue their education at the postsecondary level. Although the program has never been formally evaluated by independent professional educators or social workers, two studies have raised questions about the extent to which the non-Indian foster homes produce psychological stress, anxiety, and alienation among the Indian students. Further research would be needed to determine: (1) the degree of cultural and psychological stress experienced by the students in the foster homes, schools, and non-Indian communities; (2) the effects of voluntary foster placement upon the parental roles and family life of the natural parents; and (3) the value of the leadership training provided by the program in meeting the professional, technical, and leadership needs of Indian communities.

PART 3

THE ADOPTION RESOURCE EXCHANGE OF NORTH AMERICA (ARENA)

Since 1958 the Bureau of Indian Affairs has contracted with the Child Welfare League of America to operate an interstate adoption exchange for Indian children. In the seventeen years that it has operated, this project has assisted in the adoption of approximately seven hundred American Indian children. During the first ten years of the project, the overwhelming majority of the children were placed with non-Indian families on the East Coast or in the states of Illinois, Indiana, and Missouri.[82] Policies in recent years have been changing, but statistics indicate that between 1968 and 1975 about 90 percent of the Indian children who were adopted were still placed with non-Indian families (see table 4-3).

ORIGINS OF ARENA

In 1958, the Child Welfare League of America and the Bureau of Indian Affairs embarked upon the first large-scale organized adoption of Native American children, the Indian Adoption Project. Arnold Lyslo, Director of the Indian Adoption Project until it was incorporated into the Adoption Resource Exchange of North America in 1967, has traced its origins to three factors:

1. A desire to include Indian children in programs which had been developed during the 1940s and the early 1950s to promote the adoption of all children--"the handicapped child, the child in the older age group, and children of other racial groups both within the United States and from foreign lands"
2. The perception that adequate care was available on the reservation for only a small percentage of Indian children born out of wedlock
3. Increasing interest on the part of non-Indian families in adopting Indian children[83]

In 1957, on the basis of joint concern on the part of the BIA and the Child Welfare League, the BIA surveyed its agency

TABLE 4-3

ADOPTIVE PLACEMENTS OF INDIAN CHILDREN THROUGH ARENA

Year	No. of American Indian Children Placed	No. of American Indian Children Placed with Indian Families	No. of Canadian Indian Children Placed
1968	89	n.a.*	n.a.
1969	59	n.a.	n.a.
1970	50	0	47
1971	40	0	59
1972	24	12	n.a.
1973 1/73-6/73	6	n.a.	n.a.
1973-74	14	8	n.a.
1974-75	16	10	89 (1974)
1975-4/30/76	25	n.a.	n.a.
TOTAL 1968-1976	323		

*n.a. = not available

SOURCE: Various issues of ARENA News ["Annual Reports, 1968-FY 1975" (New York: ARENA, n.d.)]; and a telephone conversation with ARENA staff, which provided the more up-to-date data cited above.

offices and state departments of public welfare to determine the number of Indian children available for adoption. The survey established that there were about one thousand Indian children who were living in foster homes and institutions and were legally free for adoption.[84]

Beginning in 1958, the bureau contracted with the Child Welfare League to operate an interstate adoption clearinghouse for Indian children. One explicit objective was to "establish regular procedures for the future adoption, by nonreservation families, of Indian children in need of such planning."[85] The project did not attempt to increase adoption of children by reservation families.

The project played an important role in making it easier and more popular for non-Indians to adopt Indian children. Articles about the project appeared in popular magazines, and the project director wrote with some satisfaction that "the prejudice which prevented . . . [the adoption of an Indian child] in his own state greatly decreased, due mainly to the receptivity of families in other states to adopt him."[86] The project worked with states to enact or refine legislation to permit interstate adoptions. The project also encouraged tribal courts to surrender jurisdiction over Indian children to state courts, whose orders freeing children for interstate adoption were more widely acceptable.[87] For some time, the BIA subsidized the salary of a social worker in the Department of Welfare in Arizona whose responsibility was to locate Indian children needing adoptive placements and to handle the paperwork associated with interstate adoptions.[88]

Between the years 1957 and 1967, 395 Indian children were placed for adoption through the Indian Adoption Project. Of these, 218 (or 55 percent) were placed in homes on the East Coast, and 161 (or 41 percent) were placed in homes in the Midwest. Almost all were placed with non-Indian families.[89]

It was discovered during these years that Indian children were not hard to place but were, in fact, in demand. Notwithstanding this, the Indian Adoption Project was incorporated in 1968 into the Adoption Resource Exchange of North America (ARENA), a clearinghouse for the adoption of hard-to-place children, such as older children, handicapped children, black children, racially mixed children, and Indian children. In 1974, Indian children from the United States and Canada accounted for 50.4 percent of all children placed for adoption through ARENA. Eighty-five percent of the Indian children placed by ARENA were infants or young children with no handicaps. Of 323 Indian children placed since 1968, 16 (5 percent) were physically handicapped, 13 (4 percent) were mentally handicapped, 17 (5 percent) had some black parentage, and 3 (1 percent) had emotional problems. Eleven additional children (3 percent) were over eight years old at the time of adoption.[90]

ORGANIZATION AND OPERATION OF ARENA

ARENA operates from the New York City headquarters of the Child Welfare League of America. Since January 1975, ARENA has been part of the North American Center for Adoptions, one of the major programs of the Child Welfare League. The North American Center is involved in a variety of activities, including the provision of technical assistance, consultation, and training to local adoption agencies. It also works with schools of social work in the design of curricula, publishes newsletters and information concerning adoptions, and operates ARENA.

Over its first eighteen months of activity, the North American Center has been defining a philosophy and a corresponding range of activities which are quite different from the original idea behind ARENA. The current goal is to build local capabilities so that adoptive parents can be found as close to a child's home as possible.

The Bureau of Indian Affairs supports ARENA's work for American Indian children by an annual contract of $30,800 with the Child Welfare League. Other funds for the operation of ARENA are provided by a private foundation. ARENA reports that "Indian children are given priority because of the BIA contract."[91]

ARENA's staff as of the spring of 1976 included three full-time professionals, two secretaries, and two part-time professionals. None were Indian. There is one Indian member of the Advisory Board of the North American Center on Adoptions. There is no separate board for ARENA.

ARENA does not provide any direct services; rather, it works through 915 participating agencies. From county welfare departments, BIA agency offices, and other agencies, ARENA receives information about children available for adoption. It makes this information available to agencies which are in touch with parents desiring to adopt "hard-to-place" children. ARENA publishes occasional newsletters and reports, which describe children available for adoption and families desiring to adopt. ARENA staff is also in contact with participating agencies by telephone and in person.

ARENA policy, as enunciated in newsletters, meetings, and contacts, is that agencies should not refer children to ARENA until they have exhausted all local possibilities of finding adoptive parents. At present, however, ARENA staff members do not raise this question when cases are referred to them but rather assume that the referring agency is abiding by the policy.

The BIA contract provides limited funds for ARENA staff to travel to explain the service to agencies, to recruit additional participating agencies, and to provide consultation to local agencies.

TRANSRACIAL ADOPTIONS

In 1972 the policy of the Child Welfare League of America and ARENA concerning transracial adoption of Indian children was described as follows:

> In today's social climate, other things being equal, we believe it is preferable to place children in families of their racial background. We, however, reaffirm transracial adoption as one means of achieving needed permanence for some children. Children should not have adoption denied or significantly delayed when adoptive parents of other races are available.
>
> Homes for Black, North American Indian and other healthy non-white infants with adoptive parents of their own race now appear more available. No child should be denied prompt placement because such resources are not immediately available in a particular agency, community, or state. Local recruitment through the media, and local/state and ARENA exchanges should be used in such cases.[92]

ARENA's contract with the BIA states that ARENA shall "make every effort possible to place in adoptive homes, with special emphasis on Indian adoptive homes, eligible Indian children."[93] ARENA newsletters have regularly encouraged local placement agencies to recruit Indian families.

Between 1968 and April 1976, 323 Indian children were adopted through ARENA. Prior to 1972, most of these placements continued to be in non-Indian homes. In 1972, the number of placements of U.S. Indian children dropped off, and the percentage placed in Indian homes increased dramatically (see table 4-3). However, ARENA does continue to place Indian children in non-Indian homes when no Indian adoptive families are available.[94]

A continuing problem for ARENA has been recruiting Indian adoptive families, and it must rely on its member agencies for recruiting since it provides no such service directly. In 1971, over nine hundred families were registered with ARENA as hoping to adopt Indian children, and only seven of these families were of American Indian descent. In 1973-74, forty-one families of Indian descent were registered. In that year, fourteen Indian children were placed--eight with Indian families and six with Caucasian families. The following year, eighty-nine new Indian families were registered, and it was noted that an increasing number were willing to adopt children over the age of seven--a factor which had limited the number of adoptions of Indian children by Indian families in the previous year. Of the sixteen Indian children placed during 1974-75, six were placed with Caucasian families.[95]

ARENA documents state that it is often difficult to find reservation families for registration with ARENA. In 1974 ARENA reported:

> By far the largest majority of the families registered are urban Indians. There continue to be obstacles in the provision of adoption services to Indian families and children on reservations. It is hoped that these can be overcome through more visits to the reservations to interpret the service, and more conferences with Bureau of Indian Affairs and social agencies to resolve the legal and other obstacles.[96]

Another factor is that many families registered with ARENA as being Indian may have very few links with Indian culture and Indian society. In April 1975, ARENA published a list of forty-five Indian families. In only seven of these families were both parents described as being one-fourth or more Indian. Of the eighty-eight parents in these families, forty (or 45 percent) were described as having a blood quantum of one-fourth Indian or greater; fifteen (or 17 percent) were less than one-fourth Indian or were described as part-Indian (blood quantum unstated); and the racial background of thirty-three (or 38 percent) was either non-Indian or unspecified. The list included families described as follows:

> Husband is 1/16 Snoqualmie and would like a 5-9 year old boy.
>
> Husband is 1/8 Indian. Have adopted two Indian children and will consider a 7-12 year old boy.
>
> Husband Caucasian/Indian, wife Caucasian/Spanish would take 3-7 year old siblings.[97]

ADOPTIONS OF CANADIAN INDIANS

The number of American Indians adopted through ARENA is much lower now than during the 1960s. However, the number of Canadian Indians brought into the United States for adoption through ARENA has increased. Detailed statistics on an annual basis were not available. However, in 1974, ARENA placed 106 Canadian Indian children and only 14 American Indian children (see table 4-4). No figures were available on the racial and cultural backgrounds of families adopting Canadian Indian children.

The number of Canadian Indians handled by ARENA may begin to drop off because a national clearinghouse modelled on ARENA is being organized in Canada, and Canadian Indians are becoming increasingly active in opposing transracial adoptions of Indian children.

CONCLUSION

ARENA was begun in the late 1950s, an era when acculturation and termination of tribal rights were avowed federal policies. During its early years, the project was clearly in harmony with these policies--as indicated by the practice of encouraging tribal courts to surrender jurisdiction over children to state courts, by the assumption that reservation life was so poor and so barren that suitable adoptive parents could not be found on reservations, and the willingness to place Indian children "far from the reservation" in comfortable middle-class homes on the East Coast and in the Midwest.

TABLE 4-4

ARENA ADOPTIONS IN 1974

	Number	Percent of Total
All Indian children	120	50.4
Native Americans	(14)	(5.9)
Native Canadians	(106)	(44.5)
White	60	25.2
Black	48	20.2
Spanish/Mexican	6	2.5
Oriental	4	1.7
TOTAL	238	100.0

SOURCE: ARENA News, "Annual Report--1974" (New York: ARENA, n.d.), p. 1. Figures for Native Canadians supplied by Arlene Nash, ARENA Director, personal communication, November 1975.

Project policies have now changed and encourage adoption of Indian children by Indian parents--at least by families that can claim some Indian blood. The number of American Indian children available for interstate adoption has declined in recent years, due partly to the greater demand for Indian children within the states where they are born and partly to tribal efforts to halt transracial adoptions. The adoption of Canadian Indian children through ARENA has increased in recent years, and however strong its commitment to the adoption of Indian children by Indian families, ARENA has no direct contact with any prospective adoptive parents, and thus it must rely on encouraging state and local agencies to recruit Indian parents. ARENA has no Indian staff and there is only one Indian member on relevant advisory boards. By virtue of its contacts with participating agencies, ARENA staff may have gained some understanding--if not experience--of how to recruit Indian adoptive families; ARENA staff also suggest that some special techniques for recruiting adoptive families from other minority groups may be transferable to work with Indians. Information available concerning the Indian parents registered with ARENA in 1975 raises some questions about the extent to which many of these families are actively involved with tribal culture and Indian communities.

ARENA certainly can play a useful role in assisting in the interstate placement of "hard-to-place" children, such as handicapped children, older children, and sibling groups, but most Indian children do not fall within these categories. ARENA can also encourage participating agencies to recruit Indian adoptive parents. But it is difficult to see a more active role for ARENA in the development of child welfare services which are acceptable to Native Americans--and to Canadian Indians--and which are consistent with the U.S. federal policy of self-determination for Indian tribes.

PART 4

THE INDIAN ADOPTION PROGRAM

Since November 1973 the Jewish Family and Children's Service of Phoenix has operated the Indian Adoption Program with funding from the Phoenix Area Office of the Bureau of Indian Affairs. This is the first project in the country specifically developed to recruit Indian adoptive parents.[98]

Noting the numerous adoptions of Native American children by Caucasian families through ARENA, the BIA and the Jewish Family and Children's Service of Phoenix decided that Indian children need Indian families:

> in order to grow up learning Indian languages, values, and traditions. . . . Adoptive children have a hard enough time coming to terms with their adoptive status without imposing the additional burden of different cultural and social values and attitudes if placed with a non-Indian family."[99]

The Indian Adoption Program provides three related services:

(1) Placement of Indian children with Indian adoptive families
(2) Recruitment of Indian adoptive families
(3) Counseling and other services for unwed parents

The Jewish Family and Children's Service is a licensed child-placing agency and thus can provide complete placement services. Since 1973 the program has placed forty Indian children in adoptive homes--all with Indian families. The program also recruits foster parents and places children in foster homes for transitional care while adoption arrangements are being made.[100]

Two graduate students at Arizona State University studied the first thirty-five adoptions made by the program. Slightly less than one-half of the children were infants less than one year old. Only two were seven or older (see table 4-5). Most of the children were full-blooded Indians, and only five of the thirty-five came from mixed racial backgrounds.[101]

TABLE 4-5

AGE AND NUMBER OF CHILDREN PLACED BY THE INDIAN ADOPTION PROGRAM

Age at Referral	Number Placed for Adoption
Prenatal	6
0-3 months	13
3-12 months	4
1-3 years	7
4-6 years	3
7-11 years	2

SOURCE: Flo Eckstein and Patty Fisher, "The Indian Adoption Program: New Frontier in Child Placement," mimeographed (Master's thesis, Arizona State University, 1976), p. 55.

In the early months of the project, before many adoptive families had been recruited in Arizona, the program placed several children through ARENA. Of the first thirty-five children, fourteen (40 percent) were placed out of state. Eleven were placed with families on reservations, and seven were placed in Phoenix (see table 4-6).

TABLE 4-6

HOMES OF ADOPTIVE FAMILIES

Location of Residence	Number of Families
Nonreservation	24
Phoenix Area	(7)
Other Arizona Communities	(3)
Out-of-State	(14)
Reservation	11

SOURCE: Eckstein and Fisher, p. 68.

The program has placed very few physically handicapped or mentally retarded Indian children--only two or three at the most recent estimate.[102]

The program works with the adoptive parents, their tribes, and the referring agencies to enroll children in tribes where possible. Enrollments must be dealt with on an individual basis because tribal codes and policies are not consistent. A question sometimes arises when a family adopts a child from another tribe: in which tribe should the child be enrolled? Since some tribes, including the Navajo, permit the enrollment only of children born into Navajo families, it is possible that a child adopted by a Navajo family cannot be enrolled in any tribe.

Program staff report that confidentiality of adoptions has not yet become a problem. When a child is placed on the same reservation as its natural parents, the placement has always been in another community, often at a distance from the home of the natural parents.

Active recruitment of Indian adoptive parents both on reservations and in urban areas is a key to the program's success in making placements with Indian families. To qualify, families must include at least one parent who is one-fourth Indian and must demonstrate "positive Indian identification and active involvement in the Indian community."[103] Program staff visit all potential adoptive parents in Arizona. To locate potential adoptive families, the program has participated in numerous meetings with agencies, community groups, and tribal organizations and has used newspaper articles, radio announcements, and letters to tribal chairmen and to Indian organizations. Referrals come primarily from the BIA, the Phoenix Indian Center, and directly from families which desire to adopt children. To encourage adoptions by families of different income levels, the program does not charge a fee for applications or placements.

The program provides direct casework services to unmarried mothers and fathers. These services include: prenatal counseling; helping the parents to decide whether to relinquish the child or to keep it with help from the extended family; and, if the mother does not wish to relinquish the child, providing supportive services after the child is born.

The program has recently expanded its services by opening a small group home for unwed mothers who need medical services or residential care. The capacity of the home is four mothers. The housemother is "an Indian grandmother with much experience," according to a project announcement.[104]

In addition to the housemother, the program employs one full-time social worker, an Indian M.S.W. who has been with the program since its inception. Two additional staff members of the Jewish Family and Children's Service, including the director, work part-time for the program. The program is currently recruiting another full-time M.S.W. The board of directors of the Jewish Family and Children's Service includes no Indian members, but the program meets with a small informal advisory group consisting entirely of Indians.

The program is funded primarily by a contract with the Phoenix Area Office of the Bureau of Indian Affairs. In 1974-75 this contract was for $67,920, and for 1975-76 the amount was increased to $79,980. The program is located in Phoenix, but staff travel extensively and serve all Arizona reservations. Services on the Navajo Reservation, which is under a different BIA area office, are handled through a separate purchase mechanism. Eventually the Navajo Nation is planning on establishing its own adoption agency.[105]

PART 5

NATIVE AMERICAN FAMILY AND CHILDREN'S SERVICE

The Native American Family and Children's Service is an Indian-controlled and Indian-staffed agency which has been very successful in recruiting Indian foster homes in the Minneapolis area. From the start, the program has relied on support from the Minneapolis Indian community and Minnesota tribes, and the staff consists of skilled, but "uncredentialed" Indians. This program illustrates what can be accomplished when an organization strongly rooted in the community becomes active in child welfare matters. It also shows the barriers which face a community-based group which tries to become a licensed child-placement agency.

DEVELOPMENT OF THE NATIVE AMERICAN FAMILY AND CHILDREN'S SERVICE

The Native American Family and Children's Service developed out of the Family Health Program of Lutheran Deaconess Hospital in Minneapolis. The Family Health Program began in 1970 with a mental retardation staffing grant from the Social and Rehabilitation Service (DHEW). This project provided "comprehensive medical and psychological evaluation, crisis intervention, and long-term follow up and advocacy services for children and youth with school learning, adjustment, behavior and developmental problems." The project served a Model Cities area in Minneapolis and followed a policy of hiring nonprofessionals from the community. Of the project's clients, 45 percent were Indian.[106]

In 1972, after the original funding expired, the project approached county, state, and federal agencies and received continued funding for work in the areas of school problems and criminal justice. However, some of the Indian staff members, Mr. Wilfred Gurneau in particular, had become particularly concerned with the large numbers of Indian children being placed in non-Indian foster and adoptive homes. Over the next three years, Mr. Gurneau and others from the Minneapolis Indian community turned their attention to this problem. Between 1972 and 1975, they recruited fifty Indian foster families, assisted them through the process of becoming licensed foster homes, and provided continued supportive services to the homes. These efforts increased the number of licensed Indian foster families from twelve in 1972 to over fifty in 1975. By 1975, these activities had become formalized with the creation of The Native American Family and Children's Service.[107]

CURRENT ACTIVITIES AND ORGANIZATION

The core staff of the program currently consists of a director, two case managers, and an office manager/intake worker. Two of the core staff are foster parents. All are Indians who have become experienced in child welfare matters through their employment by the Family Life Program and their work in recruiting foster families. They have participated in in-service and short-term training programs, but none of them have credentials as professional social workers. A psychologist and an attorney work with the core staff on a consulting basis.

Mr. Gurneau, the director, is responsible to a Board of Directors. Three Indian foster parents sit on the board. Also on the board are a Native American instructor at the University of Minnesota School of Social Work, the director of the St. Paul American Indian Center, the director of the American Indian New Careers Program at the Sister Kenny Institute, and representatives of the Department of Indian Works and the Indian Section of the State Department of Education.

The goals of the Native American Family and Children's Service are:

1. To recruit, license, and provide supportive services to Native American homes as foster homes
2. To work with Native American children who require foster care to assure assignment on an individual basis to meet the needs of the child and the environment in which he is placed
3. To assure cultural continuity for these children
4. To provide supportive services to the foster children, including where necessary, counseling, medical referrals, and psychological help
5. To reunite separated Native American families

6. To provide supportive counseling services to the natural parents, who, due to the press of circumstances are forced to give up their children either temporarily or permanently

7. To provide supportive counseling services to the foster parents, to assure the highest quality of care possible for these children

8. To coordinate efforts with, and provide consultation to non-Indian agencies having caseloads of foster Native American children

9. To provide where possible, human relations training to those agencies, to increase their awareness of the cultural values and background of Native Americans

10. To provide legal assistance in the placement or adoptive process to the natural parents of Native American children

11. To plan programs for children which will aim at long-term, high quality care

12. To develop and provide classes for natural and foster parents in early childhood development

13. To develop contractual agreements with funding agencies to assure on-going independent financial continuity for the program [108]

In addition to the recruitment of Indian foster families, the agency has worked on child welfare cases with other agencies in the community, such as the Department of Public Welfare, parole agencies, health agencies, day care centers, and public health nurses. At first, many of these agencies were reluctant to refer cases to the Native American Family and Children's Service, but this situation has improved substantially as the agency has built its record. In addition to referrals, many of the cases are "walk-ins," people who have heard about the program through the grapevine and come in to request service.

The program has been successful in working with the court system prior to juvenile court hearings. Often judges have been willing to listen and be guided by staff members who have intimate knowledge of the problems of an Indian family and can act as an advocate for the family. Such precourt intervention often prevents the termination of parental rights and helps to insure that the family remains together.

Since 1975, the program has been supported indirectly by funding from the Bureau of Indian Affairs. The Minneapolis Area Office has long contracted to reimburse the Minnesota Department of Public Welfare for costs of foster care placements of Indian children who are not eligible for AFDC. In 1975 it was agreed that this contract would be phased out and that the BIA would contract with the Minnesota Chippewa tribes for child welfare services. This new contract supports a caseworker at the Leech Lake Reservation who is responsible for serving the six Chippewa reservations in northern Minnesota which are members of the Minnesota Chippewa tribes. The contract also provides some support for the Native American Family and Children's Service in Minneapolis.

EFFORTS TO BECOME A LICENSED CHILD-PLACEMENT AGENCY

The State Department of Public Welfare has agreed to license the Native American Family and Children's Service as a child-placement agency when the agency is able to hire an M.S.W. The requirement for an M.S.W. is included in the state regulations. It would be difficult to recruit a credentialed professional for the small salary that the agency could afford, and no additional funds have yet become available. Therefore, the agency's role is restricted to working on an advisory and advocacy basis in cooperation with a county department of welfare or with a licensed private agency.

Adoption services are a future goal of the agency, but at this time, the emphasis is on providing supportive services to natural parents, thus making adoption unnecessary. However, the agency recognizes the need for Indian adoptive parents so that Indian children who are made available for adoption can grow up in Indian homes.

CONCLUSION

The Native American Family and Children's Service is but one of the Indian groups working in different parts of the country to become independent, Indian-controlled, licensed child-placement agencies. It has already demonstrated a great deal of success in recruiting licensed Indian foster families and in working with the court system in child welfare cases. The staff suggested that other groups of Native Americans interested in working in the child welfare area should:

1. Show a need through statistics. For example, in 1974 fourteen of thirty-one cases in Hennepin County (Minneapolis) where parental rights were terminated involved Native American families
2. Work on developing good relationships with the proper agencies at the state and local levels
3. Involve the surrounding reservations in programs and activities
4. Inform the Indian community members of their legal rights
5. Use community people as staff since this will be an organization's greatest strength[109]

PART 6

SUMMARY

Four conclusions can be drawn from the material presented in this chapter. First, many Indian children continue to be placed in non-Indian homes. Second, there has been no systemmatic attempt to evaluate the success of transracial placements of Indian children under any program. Third, it is clear that tribes have taken strong stands opposing the placement of Indian children in non-Indian homes off reservations. Fourth, it is clear that qualified Indian foster and adoptive parents can be recruited by active work at the community level.

CHAPTER 5

STATE-TRIBAL RELATIONSHIPS AND THE DEVELOPMENT OF TRIBAL PROGRAMS

This chapter contains three case studies of efforts to increase Indian involvement in child welfare matters within the context of the current federal-state system. The first case study examines the Indian Desk in the Washington Department of Social and Health Services (DSHS). Washington exercises jurisdiction under PL 280 over child welfare matters on reservations and, since the creation of the desk, has demonstrated more awareness of its responsibility to provide child welfare services to reservation Indians than perhaps any other state. The other two case studies concern efforts by tribal governments to become involved in child welfare and other social service matters in Arizona and New Mexico. These two states do not exercise jurisdiction over reservations under PL 280, and Arizona has been particularly reluctant to extend its social service programs to reservations.

PART 1

THE WASHINGTON STATE INDIAN DESK*

Washington is one of the states which has assumed jurisdiction through PL 280 over a variety of matters on reservations, and child welfare and public assistance are two of the areas in which it has specifically asserted its jurisdiction. For this reason, there are no social services program monies in the BIA budget for the state of Washington.

The Washington Department of Social and Health Services is an umbrella human services agency with four operating divisions (adult corrections, vocational rehabilitation, health, and community services), as well as a number of administrative and support divisions. The Washington Indian Desk was formed within the DSHS in 1972 to serve as an in-house ombudsman and advocate and as a liaison between the department and Indians. It includes a team of two professional persons and one clerical or support person, all of whom occupy state civil service positions.[1] While there is some overlap between the roles of the two professional persons on the desk, one team member is largely concerned with policy and program development and the other emphasizes Indian hiring and monitoring and assists in the implementation of DSHS Indian policies in the field.

The Indian Desk was the first of a series of special "desks" set up within the DSHS and was the culmination of a number of influences and activities that came together in the early 1970s. One of the first steps in the direction of a special desk was taken when the DSHS hired an Indian whose job began as a recruiter of Indian staff within the adult corrections division but who informally became a department-wide advocate not only of Indian staffing but also of departmental awareness and responsiveness to the needs of Indian clients. In addition, one of the larger tribes in the state had a new tribal chairman who began drawing attention to DSHS policies and programs as they affected his tribe's members. Also at this time the Governor's Indian Advisory Council (an advisory committee attached to the office of the Governor's Special Assistant for Indian Affairs) became increasingly active. Fourthly, there was an active state Human Affairs Council with a strong Indian membership and an Indian Affairs Subcommittee. Finally, hearings were conducted on Indian reservations across Washington by a state Indian Affairs Task Force (related to the Governor's Indian Advisory Council) to address "quality-of-life" questions as well as legal status and broad state policy implications for Washington's Indian population, particularly for Indians on reservations. These hearings resulted in a "landmark" report entitled Are You Listening, Neighbor?[2] All of these events added impetus to the drive to establish an Indian desk.

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*Part 1 is based on a review of reports, press releases, and policy documents from the Indian Desk and the Deputy Secretary's Office of the Washington Department of Social and Health Services and on telephone interviews with a number of state, tribal, and federal officials, including Don Milligan, Team Leader, DSHS Indian Desk; Roger Jim, Yakima Tribe; Mary Jo Butterfield, Makah Tribe; and Bob Matz, Regional Indian Affairs Specialist for Region IV, DSHS.

At the same time an Indian intern at the University of Washington's School of Social Work was assigned to the state office of the DSHS for a field placement. His assignment was to review the recommendations of the Indian Affairs Task Force, pull together those that pertained to the DSHS, and then to suggest how they might be implemented. In the process, he developed the idea of an Indian desk in consultation with the Indian advocate employee and a tribal chairman, and sought support for the idea from a number of sources (e.g., the Governor's Indian Advisory Council, the Human Affairs Council, and individual tribes). The original impetus for the desk came from these groups, not from within the DSHS.

The initial framers and supporters of the Indian desk concept were opposed to making the desk a component of a minority affairs unit. For that reason the Indian Desk was set up initially as a special, separate program within the DSHS deputy secretary's office, with its personnel reporting directlyto the deputy secretary. However, in the months following the establishment of the Indian Desk, similar "desks" were set up for Asian, black, and Chicano minorities and subsequently all four were combined into a Minority Affairs Unit within the office of the deputy secretary. At this point direct reporting to the deputy secretary was replaced with reporting first to a coordinator and then later to a supervisor at the head of the Minority Affairs Unit. Both of these administrative changes (the inclusion in the Minority Affairs Unit and the loss of direct reporting status) remained at issue until December 1975. Following special meetings between the Governor's Indian Advisory Council and staff and the secretary and deputy secretary of the DSHS, the Indian Desk reverted to its former status as a separate component or program within the deputy secretary's office which is directly accountable to the deputy secretary.

Thus, at the present time the Indian Desk team is administratively based within the deputy secretary's office but is on "detached assignment" to the Community Services Division of the DSHS. This division has the greatest number and percentage of Indian clients and includes the department's income maintenance and child welfare and adult services programs. Under this administrative arrangement the Indian Desk team is to receive policy direction from the deputy secretary (i.e., line authority for policy and major programmatic decisions comes directly from the deputy secretary) and "administrative support," or day-to-day administrative supervision, through the Community Services Division. Since the Indian Desk team members have no line authority over other DSHS staff persons, they must accomplish their goals and efforts through "suasion."[3]

The original charter of the Washington Indian Desk describes the desk team as a "uniquely social action, inter systems approach within a social and health agency."[4] The language used to state the desk's purpose is derived from the concept of Indian self-determination and the promotion of DSHS responsiveness to that concept. In more specific terms, the DSHS press release announcing the appointment of persons to the Indian Desk team states that implementation of the recommendations of the Indian Affairs Task Force is to be the "top priority for Indian Desk involvement." The release then goes on to state that the desk's responsibilities also include:

1. The provision of advocate/ombudsman services related to social and health issues to reservation tribes, non-reservation tribes, and urban Indian organizations and Indian clients.
2. Development of in-service training projects for DSHS staff designed to increase their knowledge of cultural differences, tribal sovereignty rights and Indian self-determination.
3. [Service] as a vehicle for Indian input into the design and evaluation of DSHS policies, programs and services related to Indian people.
4. Increased recruitment and hiring of Indians by the DSHS.[5]

In the four years since its inception the Indian Desk has been involved in a wide variety of activities directed toward these broad goals and objectives. The team's efforts have focused on enhancing the accessibility of community services to Indian persons, making DSHS community services more consonant with the wishes of Indian groups and tribes, and providing mechanisms for increased Indian access to policy-making and programmatic decisions within the DSHS. Examples of efforts with tangible outcomes where the Indian Desk team has served as facilitator, liaison, broker, and/or resource between Indian groups and the DSHS include:

1. Establishing DSHS outstations on reservations

2. Compiling and distributing statistics to tribes and Indian organizations on numbers and dispositions of active DSHS Indian cases, particularly in child welfare, and utilizing these statistics internally as baseline data for the planning and monitoring of DSHS services to Indians

3. Increasing Indian representation on various DSHS advisory bodies through recruitment and subsequent staffing and training activities

4. Increasing overall Indian employment in the DSHS through an affirmative action program so that, in comparison with the eighty DSHS Indian employees in 1972, there were 180 in February 1976. These efforts have also included an emphasis on recruitment of Indian persons in service positions and the development of new and expanded Indian service-related positions. For example, thirteen Indian community worker positions are now funded and filled, and one regional Indian affairs specialist position has been created and filled. In addition, there are nine Indian persons in caseworker positions throughout the state

5. Informing tribes and Indian organizations of Title XX and securing means for their input into the state Title XX planning process and into federal Title XX policies

6. Working with Indian groups and departmental representatives to review DSHS regulations, policies, and procedures and subsequently drafting and lobbying for changes in policies and procedures. This effort began with a review of all Indian foster care cases initiated by the Indian Desk and carried out by review teams of DSHS staff and Indian "representatives." Out of this review came recommendations for adjustments in specific case plans, as well as recommendations for administrative and programmatic changes at state and regional office levels

The type of review effort involved in the foster care study has expanded and continued and has resulted in changes in the Washington Administrative Code (WAC) for private child-placing agencies serving Indian children in Washington. Proposed changes in the WAC relating to Indian preference in adoptions and to the formation of local Indian child welfare committees to review all Indian child welfare cases at the local office level have been formulated and will come up for public hearing in the near future. Proposed new manual material in other areas (e.g., child protection policies and procedures) is still being developed and negotiated between Indian groups and the DSHS. Meanwhile, interim operating procedures have been worked out between the administrators of the Community Services Division and the Indian Desk for dealing with certain key issues in child protection cases. For example, caseworkers involved in cases where there is a petition to deprive Indians of their parental rights have recently been required to begin reporting all such cases to the Indian Desk and to allow ten days for an Indian Desk response.

It is not easy to formulate a "balanced" assessment of the adequacy or success of the Washington DSHS Indian Desk's operation. The responses of the different persons interviewed regarding the desk's successes and problems reflected differing expectations and standards by which to measure both the desk and the DSHS response to the desk.

A cross-section of state and tribal officials interviewed by CSRD unanimously agreed that the desk had succeeded in bringing an awareness of Indian concerns to the attention of the DSHS, as well as in serving as an advocate for specific changes in DSHS policies and procedures relating to Indians. However, opinions differed widely about how strident the desk team had been and should be in pressing for its objectives, how willing the department had been to make changes, and whether the department had tried to "dilute" the efforts of the desk. Several state and tribal officials remarked on the tensions and frustrations that arose from time to time between the desk, the rest of the department, and tribes. It was suggested that these frustrations are an inevitable consequence of the role of the desk as a social change agent without line authority operating inside the established state system. Because it lacks line authority, the desk team is especially dependent upon the support of departmental administrators. Therefore, the desk's influence within the department has fluctuated somewhat with changes in administrative personnel.

Also, because of the absence of line authority, the desk has been especially dependent upon "clout" gained from the strong support of vocal Indian spokesmen and Indian groups and organizations with active social service concerns. However, at the present time many of the Indian spokesmen and/or groups who have been very active in social services in Washington state during and since the inception of the Indian Desk are moving on to other concerns. This means that new leadership from Indian groups and tribes will be required if the desk's effectiveness is not to decline. One means of avoiding this decline, which has been proposed by Indian groups and accepted by the DSHS, is to form a statewide Indian child welfare committee. Recruitment for such a committee is expected to begin soon.

One further point needs to be considered in assessing the concept of an Indian desk within a state system. The state of Washington has demonstrated that a state system can develop mechanisms and policies which are responsive to many Indian concerns, both through the formation of the Indian Desk and in its actions in response to the efforts of the desk. However, it has not overcome reservation Indians' resistance to state jurisdiction. In fact, at the present time tribal governments in the state are working for repeal of PL 280. Legislation which would restore jurisdiction to Washington Indian tribes is currently before the state legislature, and many tribes, some of which even have DSHS outstations on their reservations, are building tribally operated social service and tribal court systems. In support of this activity, tribal respondents interviewed for the case study mentioned their conviction that the desk has been of critical importance in improving child welfare service policies and programs delivered through the state system and also in assisting tribes to become more knowledgeable about child welfare issues and concerns. However, they also hoped that this increased tribal knowledge could be utilized increasingly by tribes in the development of their own social services programs under tribal jurisdiction and control with a direct federal-tribal relationship.

PART 2

THE NAVAJO EXPERIENCE WITH PURCHASE-OF-SERVICE CONTRACTING*

Since 1972, the Navajo Nation and the states of Arizona, New Mexico, and Utah have worked to develop purchase-of-service contracting arrangements under which federal monies (under Titles IV-A, VI, and XX) would become available for the provision of social services on the reservation through the Tribal Office of Social Services (TOSS). The origins of these efforts lie in the fact that: (1) the states provide few services on the Navajo Reservation (Arizona provides no social services); and (2) the Navajo Nation is willing to provide the 25 percent local share for such services from tribal funds.

The efforts to develop contracts have been extremely frustrating for all parties and have demonstrated the existence of major barriers to state-tribal contracting. The Navajos contracted with the state of New Mexico during the period April 1972 through September 1975 and contracted with the state of Arizona for three months in 1975. Also, the three states, the Navajo Nation, and three HEW regional offices worked for eighteen months to develop a Section 1115 research and demonstration (R&D) grant proposal The Navajo Nation invested about $5 million in providing services under the contracts with Arizona and New Mexico but was only partially reimbursed for these expenditures. Both contracts have now collapsed, and the Section 1115 grant application is also dead.

The story of these contracts and the lengthy 1115 negotiations is extremely complex. Accurate data about the amounts of services provided under the contracts are generally not available and negotiations continue over audit exceptions and proper levels of reimbursement still under these contracts. This case study is a summary and analysis of the efforts of these states and the Navajos to develop tribally operated social services within the context of the present federal/state system.

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*Original drafts of part 2 were prepared by Southwestern Indian Development, Inc. (SID) and later revised by CSRD staff. The material for this section was obtained from interviews conducted between February and April 1976 with the following persons: Nancy Evans, Navajo Area--BIA Social Services; Tony Guzman, Special Assistant to the Director, and Robert Hoogestraat, Program Development Manager, Arizona Department of Economic Security; John J. Cordova, Director, and Beverly Rainwater, Contract Specialist, New Mexico Contract Service Division; and Reginald Begay, Director, Navajo Tribal Office of Social Services.

DESCRIPTION OF TOSS

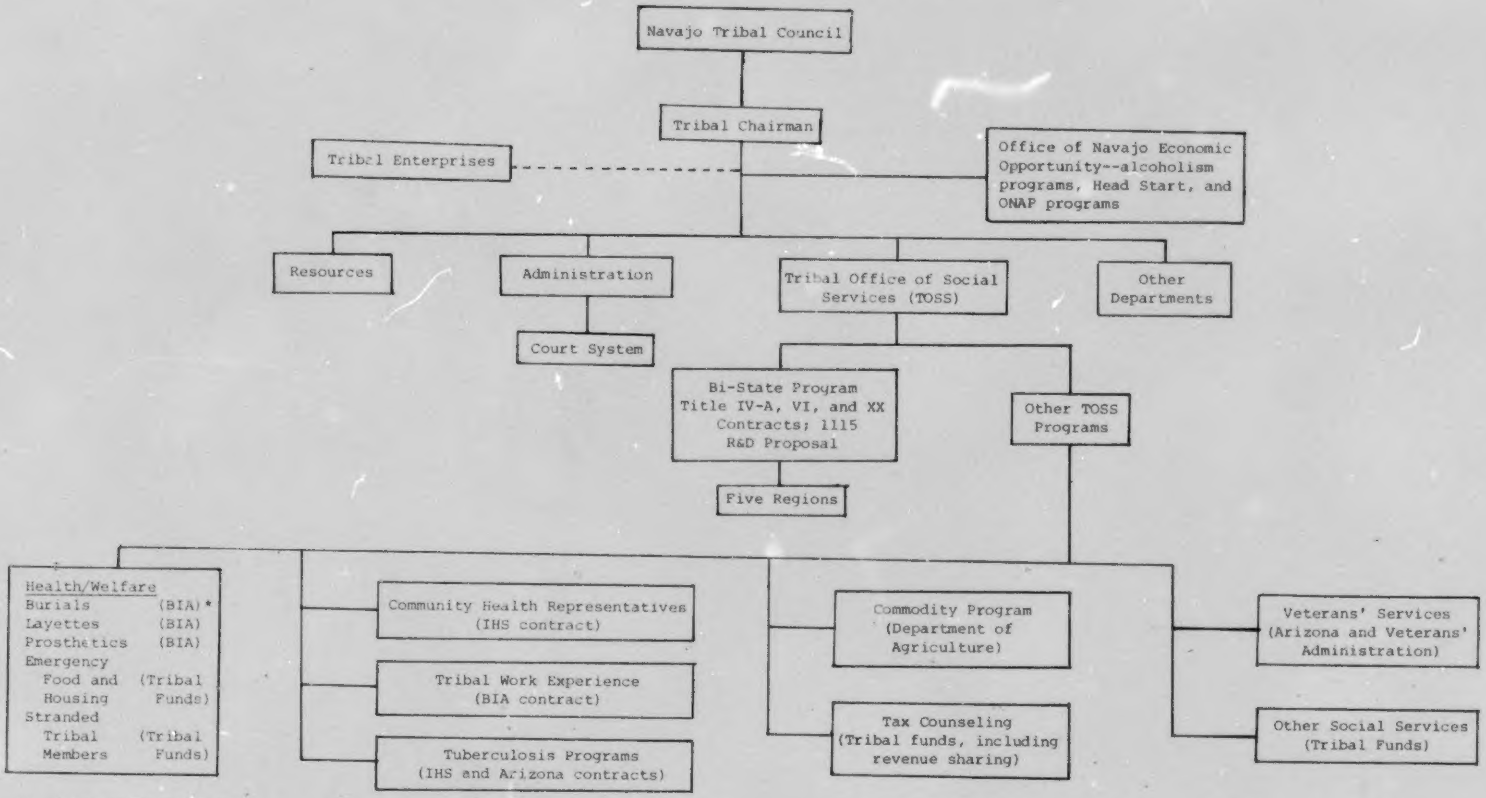
The Navajo Tribal Office of Social Services is part of the Navajo tribal government and reports to the Tribal Council and the Tribal Chairman. It operates a broad range of social and health service programs, including the Tribal Work Experience Program, Community Health Representatives, Veteran's Services, an emergency food program, a program of assistance for tribal members stranded off the reservation, distribution of commodities, tax counseling, a tuberculosis control program, and various other health and social service programs. Some of these services are supported entirely by tribal funds, while others are supported by contracts with the BIA, IHS, or the state of Arizona. The TOSS contracts under Titles IV-A, VI, and XX are handled by a separate branch, called the Bi-State Program, which works through a structure of five regional and local offices (see table 5-1).

TOSS CONTRACTS WITH NEW MEXICO

The first TOSS contract with the New Mexico Health and Social Services Department went into effect on 1 April 1972. The contract was developed to be consistent with the Navajo Ten-Year Plan, but this plan covered a broad range of subjects, including economic development, and touched on social services only lightly. However, the Ten-Year Plan did define the basic approach and philosophy underlying the tribe's desire to contract for services. The contract was developed to be supportive of the concept of self-determination and to permit tribal operation of comprehensive social and educational services. It was hoped that with funding from outside sources tribal operation would improve the range and quality of services available to the Navajo people.

TABLE 5-1

THE NAVAJO TRIBAL OFFICE OF SOCIAL SERVICES


Navajo Tribal Council
Tribal Chairman
Tribal Enterprises
Office of Navajo Economic Opportunity--alcoholism programs, Head Start, and ONAP programs
Resources
Administration
Court System
Tribal Office of Social Services (TOSS)
Other Departments
Bi-State Program Title IV-A, VI, and XX Contracts; 1115 R&D Proposal
Five Regions
Other TOSS Programs
Health/Welfare
Burials (BIA)*
Layettes (BIA)
Prosthetics (BIA)
Emergency Food and Housing (Tribal Funds)
Stranded Tribal Members (Tribal Funds)
Community Health Representatives (IHS contract)
Tribal Work Experience (BIA contract)
Tuberculosis Programs (IHS and Arizona contracts)
Commodity Program (Department of Agriculture)
Tax Counseling (Tribal funds, including revenue sharing)
Veterans' Services (Arizona and Veterans' Administration)
Other Social Services (Tribal Funds)

*( ) Indicates sources of funding.

Prior to the writing of this contract there had been no systemmatic needs assessment and no extensive planning activities. However, it should be remembered that in 1972 Congress had not yet enacted a ceiling on federal reimbursements under Title IV-A, and many states were working against the clock to prepare contracts under which expanded service programs would qualify for federal reimbursement. Conceivably social service programs which were being operated by the Navajo Nation at that time could have been modified and expanded to qualify for reimbursement under Title IV-A. However, in interviews with state, tribal, and BIA officials no respondents were able to say whether any services had been provided under the contract, and there is some doubt that any eligible services were provided to eligible clients.

During these first fifteen months of the contract, two major barriers were uncovered and removed. On the basis of a local interpretation it was decided that the use of tribal funds to pay the 25 percent local match would raise questions concerning the trust responsibility of the Bureau of Indian Affairs, and formal approval by the BIA was therefore obtained. In later modifications to the contract, this step of formal BIA approval was not taken; however, it might again become an issue if someone raises it.

The second barrier dealt with during this period involved designation of the Navajo Nation as a public agency which could legitimately provide funds to the state to be used as local matching funds. In this case, the designation was accomplished by administrative action. Later, however, when Arizona submitted a 1115 research and demonstration grant proposal involving a contract with TOSS, the issue arose again and was finally resolved only by a legal opinion from an HEW regional attorney and the passage of specific legislation in Arizona designating tribes as "public agencies" for the purposes of intergovernmental contracting.

In April 1973, the contracting relationship entered a new phase. With the strong support of the new governor of New Mexico, amendments were made to the contract in an effort to move things along. These amendments specified four service areas (day care, homemaker and nutrition services, foster care and preventive services, and comprehensive services for the aged, blind, and disabled) and caseloads within each area.

However, during this period the Navajo Tribe looked upon the new social service program as similar to Office of Economic Opportunity (OEO) programs. Minimal consideration was given to contract requirements, compliance issues, or application of standard social work practices. There were difficulties in hiring peronnel who had the formal training, the work experience, or the orientation to deliver and document the specific services provided for by the contract. The Navajo Tribe had been involved in the program for fifteen months before attention was given to the necessity of conforming to federal and state contract regulations and the need to develop the performance of Navajo social service workers to better deliver services and to document services provided. The state did assign a staff person to work with TOSS on the contract. However, he became deeply involved in development of the 1115 research and demonstration grant application, and thus TOSS was not provided by the state with the necessary orientation and training to develop an adequate reporting system that would meet both the service and fiscal accountability requirements of state and federal regulations. TOSS was reimbursed by the state for expenditures during this period, but the audit exception rate was approximately 60 percent.

Major modifications were made in the contract in July 1974 and in July 1975. The 1974 changes broadened the definitions of services to be provided under the contract and did not specify detailed caseloads and descriptions of services. Later, on the basis of experience during the year, a more detailed list of services and caseload levels was specified in July 1975. However, difficulties with reimbursements and audit exceptions continued. The audit exception during this period was about 50 percent. No reimbursements have been received from New Mexico since March 1975, although approximately $2.6 million is involved.

When Title XX went into effect on 1 October 1975, the contract between TOSS and New Mexico lapsed. At first it was expected that a new contract would soon be negotiated and backdated to 1 October, but no contract has yet been signed. The state has proposed that eleven services be delivered with a total expenditure of about $1.6 million--a decrease from the approximate annual level of $2.1 million which had been in effect under Title IV-A. New Mexico also proposed that TOSS provide services to three areas which had not been covered by previous contracts--Alamo, Canyoncito, and Ramah. TOSS has proposed that it provide only six services: information and referral, homemaker services, chore services, family planning, foster care, and health support services. TOSS is currently providing these services with tribal funds.

THE NAVAJO SOCIAL SERVICES PROJECT

After the initial contract with New Mexico, it became apparent that the Navajo Tribe could not justify providing services only to tribal members in one state since the Navajo Nation covers a three-state area and is located in three federal regions. The Navajo Tribe's social service personnel saw that only a coordinated three-state effort would enable the Navajo Tribe to deliver a uniform social service program. It also became apparent that waivers to the state plans were needed to allow for the drastic differences between the state plans of Arizona, New Mexico, and Utah. Two main areas of difference among the states were over who was eligible for the services and what services were to be provided.

The approach taken by the tribe was to pursue a three-year section 1115 research and demonstration grant. After lengthy negotiations, Arizona submitted a proposal for the Navajo Social Services Project in July 1974. Similar proposals were to be developed by New Mexico and eventually, perhaps, by Utah. At this point, Title XX was enacted. In January 1975, SRS informed Arizona and the tribe that the proposal was not necessary since Title XX permitted states to provide services on less than a statewide basis.

TOSS CONTRACTS WITH ARIZONA

In April 1973, TOSS had submitted a proposal package to the Arizona Department of Economic Security calling for contracting for four service areas: homemaker services, foster care, day care, and services for the aged, blind, and disabled. Over the next eighteen months, discussions between TOSS and Arizona focused on developing the 1115 research and demonstration grant. When this possibility was finally abandoned in January 1975, TOSS began to prepare a new proposal. With strong support from the new governor of Arizona, a contract was signed in May 1975 to cover the period April through June 1975. The contract provided $925,563 (at an annual rate of $3.6 million) for the provision of day care, foster care, protective services, family planning, services to prevent or reduce births out of wedlock, services related to employment objectives in the state plan, services to meet particular needs of families and children, and services related to health needs.[6] Soon after the contract was signed, however, it collapsed when federal officials stated that there would be audit exceptions because of deficiencies in the proposal and the contract. These deficiencies concerned cost allocations, procedures for audit exceptions, accountability, and training and staff development. Thus, no contracts have been negotiated with Arizona under Title XX.

BARRIERS TO PURCHASE-OF-SERVICE CONTRACTING BETWEEN STATES AND TRIBES

Since 1972 the Navajo Nation has appropriated approximately $5 million in tribal funds, and these funds have been made available for use as local match money to generate federal funds under Titles IV-A, VI, and XX. The tribe has not asked states to contribute to the cost of providing social services on the reservation; indeed, it has been willing to pay the states an administrative fee for handling the contracts. As of today, the contracts with Arizona and New Mexico have both collapsed, and the 1115 proposal has been dropped. Because of failure in relationships with the states, the tribe has decided to work for statutory changes which would permit direct federal funding of Title XX to tribes, thus bypassing the states. The states of Arizona and New Mexico may not be hostile to such a change.

Change is considered desirable because over the last four years a number of barriers have been identified to state-tribal contracting for the purchase of services under Title XX or its predecessors, and methods for removing these barriers within the present federal-state structure have not been found. These barriers include:

1. The Problem of Tribal Sovereignty and Legal Jurisdiction

   Tribes are not subject to state authority, which makes it difficult for a state to consider contracting with a tribe because of its possible lack of enforcement powers

2. The Problem of Audit Exceptions

   Since federal Title XX funds go to states, DHEW holds states liable for ineligible costs or services.

Tribal sovereignty becomes a potential legal issue in federal audit exceptions, as can be seen by the fact that, during the period of negotiations, Arizona took the position that it could not sue Indian tribes in state courts

3. The Problem of Cost Allocation

When two or more states or agencies attempt to coordinate services the way in which costs, such as staff time, are allocated is important in determining reimbursement. Coordination is definitely a problem with the TOSS Bi-State Program because two states are involved, but the BIA and IHS could also be affected once a tribe attempted to establish an integrated system for delivering comprehensive social services

4. The Problem of Staff Development and Training

Staff development and training under Title XX have been interpreted narrowly by states which do not recognize either the uniqueness and value of the Navajo social service worker or the need for intensive training to equip staff to meet necessary administrative requirements and to deliver quality services

5. The Problem of Standardization of Eligibility and Reporting Systems

The Navajo Tribe is placed in a position of having to meet different standards established by different states when these standards do not allow for consistent reservation-wide eligibility standards or reporting procedures. Consistent procedures and policies would allow for better program accountability and better coordination of services provided to clients

6. The Problem of State Plans

Under Title XX the Navajo Tribe may have to provide services or follow procedures mandated by the states. However, the tribe may feel it does not need those services or that the procedures conflict with the tribe's jurisdictional rights

7. The Necessity of Preparing for the Provision of Services

Before a tribe can efficiently provide a range of services and meet state and federal regulations and reporting requirements, the tribe must be funded for a period of training, system development, and policy development. Purchase-of-service contracts must be geared to allow a sufficient period of preparation time before the provision of services begins. If the purchase-of-service mechanism will not permit this addition of time, then another mechanism must be found

PART 3

TRIBAL INVOLVEMENT IN TITLE XX IN ARIZONA*

THE DEVELOPMENT OF A PROPOSAL FOR A PLANNING PROJECT

In the six months between the enactment of Title XX and the submission to HEW of the first draft of state plans, the Arizona Department of Economic Security (DES) worked through Councils of Governments (COGs) in the six substate planning districts. Arizona tribes were not involved in the planning process because the COG boundaries cut across many reservation lines and because tribal governments have generally not been active in COG affairs. However, Indians who are active in the field of human services were aware that Title XX transferred many responsibilities for HEW social service programs from the SRS to the states and thus raised many long-term questions about the relationships between state and tribal governments.

Tribes requested that DES convene a meeting with tribal officials, allow Indian input into the Title XX plan, and explore state-tribal relationships under the new legislation. These requests were refused. Pooling their resources and information, a number of Indian leaders and organizations which were working with the IHS, the

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*Original drafts of part 3 were prepared by Southwestern Indian Development, Inc. (SID) and later revised by the CSRD staff. The material for this section was based on Inter-Tribal Council of Arizona (ITCA) documents (cited as footnotes) and interviews conducted between February and May 1976 with the following people: Darrel Garcia, Chief, Phoenix Area Social Service Branch--Indian Health Service; Bart Graves, Associate Area Social Worker--BIA; Gerald Antone, ITCA Board Chairman and Tribal Chairman, Salt River Indian Tribal Council; Veronica Murdock, ITCA Vice-Chairman and Vice-Chairman of the Colorado River Indian Tribal Council; Tony Guzman, Special Assistant to the Director, and Robert Hoogestraat, Program Development Manager, Arizona Department of Economic Security; Gus Greymountain and Mercy Valenzuela, ITCA Field Coordinators; and Ruth Houghton, Social Worker--Maricopa County Community Services and volunteer ITCA consultant.

BIA, the Inter-Tribal Council of Arizona (ITCA), and Arizona Affiliated Tribes organized a two-day meeting for 14-15 May 1975. Over eighty persons, including representatives of DES, attended.

During this conference, participants learned that DES assumed that tribal input into the planning process would be provided through the six COGs and that the COG plans had been substantially completed. Since the date for proposing changes to Title XX regulations had passed, state officials suggested that during the period allotted for public comment on the draft state plan Arizona tribes prepare their recommendations. However, the officials stated that they had neither the time nor the staff to work individually with each of the small tribes in Arizona and, furthermore, that the state could not fund a united Indian planning effort.

Nonetheless, the board of directors of ITCA, which includes tribal chairmen of all seventeen tribes in Arizona except the Navajo Nation voted shortly after the conference to prepare and submit a proposal for a Title XX planning project. As was described in part 2, the Navajo Nation was separately attempting to work with DES in Title XX matters, but Navajo officials still participated in the May conference and worked closely with ITCA and tribal officials.

At the same time, the state government's posture changed. A new DES director was appointed by the newly elected governor, and the state moved to add two additional planning districts, one covering the portions of the Navajo Nation which are in Arizona, and the other including the seventeen other reservations in the state. DES revised its allocations between the substate districts so that $4.3 million (17 percent of the Arizona Title XX allocation) would be set aside for these two Indian districts. DES also granted $40,000 to ITCA for a three-month planning project.[7]

THE ITCA TITLE XX PLANNING PROJECT

The original objectives of the planning grant were:

1. To develop a separate Indian Advisory Social Services Committee and organize and implement a separate planning district which would

provide a planning mechanism by which Tribes can discuss, assess, plan, and provide input into the State's Social Service Plan.

2. To provide for increased awareness and knowledge of Title XX through discussion and analysis guidelines, proposed services through State funding, implications on Federal Social Services, and possible options for Tribes.

3. To develop and submit Tribal Social Services Plans to be incorporated into the State Social Services Plan.[8]

The project was envisioned as helping to establish ITCA as a planning organization which would roughly parallel the long-existing COG structures, "while assuring appropriate consideration of the unique cultural, legal, and jurisdictional concerns of Indian tribes."[9]

The work plan for the project called for an early stage of developing a staff and planning mechanism and reviewing with tribal officials the requirements of Title XX. Subsequently, project activities were to center on field visits to tribes and on planning workshops in each of five Indian economic development districts. ITCA would combine tribal plans into one Indian plan which would then be included in the state plan.[10]

However, as the project evolved, its emphasis shifted from field work and development of tribal plans to requests for additional information concerning Title XX, to the identification and clarification of major legal and jurisdictional issues, and to requests for flexibility to allow tribes to utilize Title XX resources more fully.

The project faced the problem of mobilizing tribal officials to become involved in Title XX matters. As the ITCA's final report noted: "At any given time, the staff resources of the tribes are fully committed and even overcommitted to a wide range of internal and external interests and concerns." Given this fact, it was perhaps unrealistic to expect that within three months tribes could thoroughly consider whether and how to participate in the state's Title XX program. However, by the end of the project, tribal "interest, awareness, and involvement had reached functional levels."[11]

A more fundamental reason for reorientation of the project was that the policy and planning implications of Title XX for tribes are exceedingly complex and cannot be dealt with adequately in a short period of time. As ITCA noted in the project's final report:

> The field effort went through a series of stages in the attempt to develop a process by which tribes could have some input into the State Social Services Plan. The initial meetings held with Chairmen and their Program Administrators were primarily to provide them with Title XX information. As relations with tribes began to develop and they became more familiar with Title XX, questions regarding programmatic problems were asked. When looked at in terms of practicality, Title XX began to take on different aspects and implications more complex than had been anticipated by the tribes. To become involved in the Title XX program meant the tribes had to enter into complex negotiations with the State of Arizona on long standing jurisdictional issues.
>
> As questions on allocations of money, eligibility determination, monitoring of programs and court jurisdiction emerged from the field meetings, it became clear the program planning could not continue until such questions were resolved to the satisfaction of the tribes. Faced with this situation, the next stage was to bring to the attention of DES the issues and concerns of the tribes which prevented the tribes from entering into any agreements with the State.
>
> At this point, the field effort has developed into a communications system in an attempt to keep each tribe informed of the latest developments in the relationship between DES and ITCA, and relating any questions tribes may have to the negotiations table. Many of the tribes are awaiting the outcome of these negotiations before authorizing their planners to begin the development of Title XX services on their reservations while a few are exploring the possibilities of developing programs and doing some preliminary assessment of their service needs.[12]

ISSUES IN TRIBAL PARTICIPATION IN TITLE XX

State-tribal relationships have historically been difficult, which has complicated planning for tribal involvement in Title XX. In the words of the new DES director, who spoke to an August 1975 conference held by ITCA on Title XX:

> The relationships between the Indian nations and State governments nationally is [sic] exemplified here in the State of Arizona today. It's been a relationship that has never been a very amicable one. It has been a relationship that has been hard to deal with, both on the part of the state and the Indian nations....I know that the road is going to be long and that it is going to be extremely painful; and I know that there are Tribal codes and that there are cultural differences that need to be contended with in a very methodical way and I want to be extremely sensitive about that.[13]

A problem had arisen in May and June, when the state legislature refused to allocate state funds for the local share of Title XX services on reservations.

The ITCA and tribal leaders were also cautious about moving into a new relationship with the state government. They expressed a concern that building a new relationship with the state should not jeopardize the historical and legal relationship between tribes and the federal government, especially the BIA and the IHS. The dramatic shift in the roles of the BIA and the IHS involved in PL 93-638 (The Indian Self-Determination Act), together with a fear that BIA might reduce its social services in deference to Title XX, made it "doubly important for the tribes to be cautious and circumspect in developing new relationships with the State."[14] ITCA adopted and sent to BIA and IHS a resolution which asked these agencies to treat their services as "cumulative" rather than as "substitution" or residual services so that tribes would not be forced by the denial of BIA and IHS services to accept Title XX services on unfavorable conditions.[15]

Differences also existed with respect to legal jurisdiction over various Title XX matters. For example, tribal courts currently exercise jurisdiction over foster care placements on reservations. However, DES took the position that any placements which it funded must be made through the state court system, while ITCA took the position that tribes would rather have no state funding of placements until the jurisdiction of tribal courts was fully recognized.[16]

The question of jurisdiction also arose with respect to possible attempts by the state to require a reservation parent to provide partial support for a child and the enforcement of contracts between the state and tribes. Tribal officials often fear that writing a contract and accepting state funds might be the first step in surrendering jurisdiction to state governments, and problems have arisen around the issue of audit exceptions. Under Title XX, federal funds flow only to states, and states are responsible to the federal government for the expenditure of these funds. Nevertheless, states cannot take tribal governments to state courts to recover funds spent improperly. Although the Navajo Nation conducted long negotiations with the states of Arizona and New Mexico on this problem, it arrived at no definitive solution (see part 2).

One of the most critical issues arose over the question of flexibility in the use of Title XX funds on reservations. Tribes indicated that they might wish to have different eligibility standards than those which existed in other parts of the state. If Arizona designated each reservation as a separate substate district desiring different eligibility standards, then Title XX allowed this flexibility. More difficult was the question of the proper procedures for determining eligibility. At present, DES personnel are responsible for determining eligibility for each client requesting service. Procedures for determination could create hardship for the client "(i.e., waiting time before determination) or for the Tribal management system (i.e., bulky documentation and paper flow to Phoenix)." Regional SRS officials advised ITCA that the state could contract with tribes for eligibility determination. However, this is an important area, and contracts would have to be written to specify the roles and responsibilities of tribal and state personnel so as to avoid audit exceptions.[17]

As drafted, the Arizona state plan required the statewide provision of every service rather than the provision of different combinations of services in different districts of the state, as permitted by the Title XX legislation. Tribal officials raised several questions about this point. First, they stated that reservation communities might have different needs than nonreservation areas. Also, preliminary ITCA estimates of allocations to some of the smaller reservations in the state suggested that significant service in these areas would be limited unless state funds were combined with funds from other sources. Various formulas were suggested for allowing local variations in the service provided, such as "enrichment precaution" and "going above the levels of service provided statewide," but these formulas did not address tribal desires to use Title XX funds where they were most needed, regardless of statewide definitions of available services.[18]

Other difficulties may arise over licensing standards and procedures. Title XX regulations make specific reference to the power of tribal governments to adopt their own licensing requirements for foster care, day care, and institutional care services. However, there is potential for conflict if a state has the option to interpret or to question whether tribal requirements meet national standards, as is required by the regulations for federal financial participation. If a state does agree to adopt and enforce separate licensing requirements by tribal governments, problems could still arise prior to tribal adoption of such requirements. While no tribal action in this area has yet occurred, the question of whether or not the state could contract with tribes with the understanding that they would move quickly to establish such standards inevitably arises.

The question of staff training and development was also considered by the project. The ITCA report states:

> Given the Social Services Bureau's [of DES] position that "we will contract only with those agencies qualified to provide the services", the Tribes are concerned about the [Bureau's] ability to fairly assess Tribal capabilities, or potential capabilities, for service delivery. The question of training was brought up at the workshops and during the recent DES-ITCA staff meeting, but this was not clearly answered. . .[19]

Finally, the state and the tribes could not agree about the proper amount of federal or state Title XX funds to be allocated to reservations. Although it was suggested that the allocation formulas should contain a factor reflecting the higher costs of providing services in rural areas, no such factor was included. Tribes asked whether they would be expected to provide services to non-Indian residents of reservations and, if so, whether the population estimates used in making allocations included non-Indians living on reservations. As noted above, there was uneasiness about the use of state funds to provide the local share for services on reservations, both on the part of the state legislature--which declined to appropriate the necessary state funds--and on the part of many tribal officials, who were apprehensive tnat accepting state funds was the first step towards accepting state jurisdiction over reservations.

RESULTS OF THE PLANNING PROJECT

During the short duration of the planning project, a great deal of progress was made in identifying important issues related to tribal participation in Title XX, in working with tribal governments to increase their understanding of Title XX, and in developing methods for dealing with, or resolving, some of the problems mentioned. At one point during the project ITCA suggested that the state might wish to support a nine-month planning effort on the part of ITCA and tribes, and DES expressed its willingness to consider making another planning grant, provided that there was progress on related matters.[20]

However, after the project's conclusion, the Inter-Tribal Council took the position that there were great difficulties in working out ways for the state to contract with tribes or otherwise to provide Title XX services on reservations. Thus, it was decided that ITCA should instead turn its attention to the ultimate goal of amending the Social Security Act so that it would permit HEW to fund tribal Title XX programs directly without using the state government as an intermediary.[21]

PART 4

SUMMARY

A major policy question in the field of Indian child welfare is whether services can be provided effectively through the existing federal-state system or whether tribes should have a direct relationship with the HEW agencies which administer Titles IV-B and XX and other human service programs.

The case study of the Washington Indian Desk demonstrates that a state child welfare agency can greatly increase its capabilities to provide services to Indians and can take important steps to reduce placements of Indian children in non-Indian adoptive and foster homes. However, it is worth noting that even though the state has demonstrated a much greater awareness of the special needs of Indian families and children, tribal governments in that state are, nonetheless, working for repeal of PL 280, which would restore tribal jurisdiction over child welfare matters on reservations. They are also building tribally operated social service systems. This suggests that improvement in state-provided child welfare services on reservations may not meet the demand for greater tribal involvement in child welfare matters.

The case studies of tribal involvement in Title XX of Arizona and of Navajo attempts to contract with the state of New Mexico and Arizona demonstrate that there are very serious legal, political, financial, and practical barriers to state-tribal contracting. The Arizona Inter-Tribal Council and the Navajo Nation have both taken the position that problems inherent in state-tribal contracting are so serious that their efforts should be directed toward developing federal legislation which will permit direct federal-tribal contracting.

Chapter 6

SOCIAL WORK EDUCATION FOR INDIANS

INTRODUCTION

This "state-of-the-field study" included as one of its component parts a survey of social work education, the purposes of which were: (1) to obtain information on the recruitment of Indians into the field of social work; (2) to assess the nature of their formal social work education; and (3) to consider the relevance of their training for work with Indian families, especially in child welfare matters. The survey focused on the eighty-four accredited graduate schools of social work in the United States. Questionnaires were mailed to each of these schools, to Indian faculty and students, and to recent Indian graduates of these schools. The findings of this survey are reported fully in a separate publication and are summarized here.*

Since 1970 there have been a number of attempts to reform social work education so that it can better serve Indians and other minorities. In that year the Association of American Indian Social Workers was formed by a small core of Indian social workers. This organization was able to provide guidance to non-Indian professional organizations regarding Indian issues, Indian problems, and potential solutions to these problems. It addition, it suggested modifications in the educational programs of Indian and non-Indian social workers who might eventually serve Indian clients. Also in 1970, as a result of minority pressures, the Council on Social Work Education (CSWE), which is the accrediting agency for all schools of social work in the United States, formally committed itself to pay special attention to the needs of minority groups and to work to eradicate racism in social work education.[1] At its 1971 Delegate Assembly the National Association of Social Workers (NASW) adopted a policy statement on "Civil Liberties, Justice, and the Right to Dissent," which helped

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*For more detailed information on the survey results see John Compton, Social Work Education for American Indians (Denver: Center for Social Research and Development, Denver Research Institute, University of Denver, forthcoming).

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to set the stage for changes in social work education and in social workers' attitudes and behavior toward minorities, including Indians.[2]

Indians were also named to the CSWE Special Committee on Minority Groups, now the Commission on Minority Groups. Out of this commission came the American Indian Task Force, all of whose members were Indian and which was charged with studying the social welfare problems and needs of Indians as well as making recommendations for changes in social work education. In its 1973 report the task force recommended that schools of social work give high priority to the recruitment of Indian students and faculty, to the securing of funds for stipends and scholarships, and to the development of content relevant to Indians for inclusion in social work curricula.[3] These efforts are just now beginning to bear fruit, mainly by increasing the number of Indian students attending schools of social work.

FINDINGS OF THE SURVEY

Schools of Social Work

Fifty-four of eighty-four accredited schools of social work (64.3 percent) responded to our survey of the graduate component of social work education.[4] Thirty-three schools, located in the East, Midwest, South, and in California, Hawaii, and Puerto Rico, reported having no Indian students or faculty. While several cities located in these areas (Chicago, New York, Los Angeles, and San Francisco) do have over ten thousand Indian residents, generally the size of the Indian population in these areas is quite low, with other large minority groups tending to overshadow the much smaller Indian communities.

Ten of these thirty-three schools reported that they had made some efforts to recruit Indian students, and five of the ten reported that these efforts were part of general programs to recruit students from all minority groups. Five of the thirty-three schools reported that they had made unsuccessful efforts to recruit Indian faculty.

This group of schools offered little or no curricular content on Indians, and only two schools indicated that they included major units specifically on Indians in their courses on racism or minority groups. Other schools indicated that their courses on racism included some information on Indians along with information on other minority groups. Two schools reported that their university or college had Indian studies departments, but neither required students to take courses in these departments. Only a few schools mentioned providing some attention to Indian people as part of the focus on minority groups in field placement learning experiences. None of the schools reported special field experience placements aimed at offering Indian or non-Indian students practical experience with Indian clientele. Only three schools reported any content which related directly to Indian child welfare. This material was included in the curricula on human growth and development and did not focus on child welfare services per se.

Twenty-one schools reported having a total of fifteen full-time and one part-time Indian graduate faculty members, ninety-two graduate students, and seventy-four recent graduates.

Nine of these twenty-one schools reported that they had formal recruitment and educational programs for Indians. These schools are listed below with the dates when their programs for Indians began:*

University of Washington, 1970
University of Minnesota-Duluth, 1971
University of Oklahoma, 1971
University of Utah, 1971
Barry College (Florida), 1972
Arizona State University, 1972
Portland State University (Oregon), 1972
University of Denver, 1972
California State University-Sacramento, 1976

Over three-fourths of the total number of Indian students and faculty reported by all twenty-one schools of social work were at these nine schools (74 students and 12½ faculty members). At these schools, the number of Indian students ranged from two to nineteen, and the number of Indian faculty ranged from one to three. The nine also claimed fifty-two out of a total of fifty-three recent Indian graduates listed by the twenty-one schools.*

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*Although the University of Wisconsin-Milwaukee was thought to have a formal social work recruitment and educational program for Indians, the school itself indicated that it did not have such a program when it responded to the questionnaire.

All of these nine schools are at more advanced stages than other schools of social work in terms of developing curricula on Indians. Eight schools reported content related to American Indians in two or more curriculum sequence areas. However, none of the twenty-one schools (including the nine schools with formal Indian programs) reported a major curricular focus on child welfare services to Indian people. Child welfare content was incorporated into related curricular areas, such as services to children and families. None reported having field placements with a special focus on child welfare services to Indian people. While one school reported having four separate courses on the American Indian and offering specialized field placements in organizations that serve Indian clientele, none of its courses focused on child welfare.

Seven of the nine schools with Indian programs reported having special practicum placements in agencies serving Indians, including the BIA, IHS, tribal social service agencies, urban Indian centers, and Indian boarding schools. California State at Sacramento reported a very interesting placement which is now in the planning stages. This program, which will be urban-based and which will deal with alcoholism, will hire a "Native American Community Professor," who will be patterned after the "Barrio Professors" at schools of social work which serve Chicano people. The "Barrio Professor" does not have traditional academic credentials but is qualified instead by his living experiences in the Chicano community.

Seven of the schools with formal Indian programs reported having all or most of the following support services: recruitment, remedial courses, tutorial services, educational counseling, personal counseling, housing location assistance, short-term loans, day care, and job placement. These schools indicated that special attention was being given to Indian students and that their services were adequately meeting Indian students' needs. Most of the twelve other schools with Indian students or faculty also reported having some or all of the support services listed, and most reported that these services were available to all students, including Indians. Approximately two-thirds believed that these services were adequately meeting the needs of American Indian students.

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*This last statistic may be misleading since many schools have not kept track of the ethnicity of their students until quite recently. Thus, it is possible that the nine schools with formal programs for Indians have merely made special efforts to identify Indians who received their MSWs prior to the establishment of their programs.

All twenty-one schools reported that financial assistance, such as stipends, scholarships, and loans, were available to meet the needs of all American Indian students. The nine schools with special programs for Indians reported earmarking funds specifically for American Indians, while the other schools with Indian students had money available for minorities in general.

Funding sources are almost exclusively federal, with the Bureau of Indian Affairs and the National Institute of Mental Health being the two funding sources most frequently cited by respondents. One school (Utah) listed the Church of Jesus Christ of Latter-day Saints (Mormon) as one of its sources of funding. Although most schools reported that tuition waivers and other forms of financial assistance were available directly from their colleges or universities, they were not major sources of financial support for Indian students.

Indian Students at Schools of Social Work

A Profile of Indian Students at Schools of Social Work.

Although there were ninety-two Indian MSW students enrolled in the schools of social work, only sixty-eight of these students were identified specifically by name and current address, and in spite of mail and phone followups, only nineteen students returned questionnaires.[5] These nineteen students represented twelve tribes and ranged in age from twenty-three to fifty-two, with almost half being over thirty. Twelve students were female, and seven were male. About half were married, with an average of 1½ children per married student. Only two students had no children.

The students attended six schools of social work, including the universities of Utah (six students), Oklahoma (three students), Denver (three students), Arizona State University (three students), Portland State University (three students), and the University of Wisconsin at Milwaukee (one student). Seven of the eighteen students who attended schools which claimed to have special programs for Indians indicated that no special programs for Indians existed at their schools. Either they did not understand the questionnaire or they were not aware that their schools had formal programs for Indians.

Almost all students received full or partial financial assistance from the federal government, usually from the National Institute of Mental Health or the Bureau of Indian Affairs. Four students received assistance from their tribes, while two students depended largely on their own personal resources.

Almost all students listed "treatment" as their specialty area. Only one student listed his specialty as community organization and planning, two listed administration, and one listed no specialty. This pattern is similar to that of the general population of graduate social work students, who also tend to specialize in either treatment or direct services.

Student Perceptions of Social Work Education. Indian students were evenly divided about whether social welfare policy and planning, human behavior, and social work methods curricula were pertinent to their educational needs. Five students responded that the child welfare curricular area met their learning needs, and nine responded that it did not. Three students indicated that their schools did not have curricular content in the child welfare area.

However, few students took the opportunity to comment on curricula. One student objected to the fact that his school's curricular content on Indians tended to focus on reservation Indians and treated urban Indians as just another subgroup of the disadvantaged poor. Another student commented that his school's content on Indians was very general, except in one course.

Students were also asked whether they believed that their schools' support services met their needs. Most indicated that their needs were met in the areas of recruitment, financial support, educational and personal counseling, housing location, short-term loans, and job placement. On the other hand, remedial courses, tutorial services, and child care were viewed by most of the respondents as inadequately meeting Indian students' needs. Students reported that short-term loans and child care were not offered by most schools.

The student respondents generally felt that it was desirable to have Indian faculty members at their schools. They stated that Indian faculty members were models for Indian students; provided personal and educational assistance for Indian students; were advocates for Indian students; helped to change schools in several respects (including their curricula); recruited Indian students; and could provide knowledge about Indians which could benefit both Indian and non-Indian students and faculty. Some students stated that Indian faculty were merely tokens; that many were not really Indians or soon lost their "Indianness"; that they were overworked and that too much was expected of them since they were few in number; that they often did not take stands on issues; and that they really did not have enough influence to make an impact on schools.

Indian Graduates of Schools of Social Work

A Profile of Indian Graduates. Originally eighty-four MSW Indian social workers were identified, but current addresses were obtained for only sixty-seven of these graduates, and the questionnaire return rate was only 39 percent. The MSW graduates who did respond to the survey represented sixteen tribes and ranged in age from twenty-four to sixty-five, although most repondents were forty years old or less. There were almost equal numbers of men and women in this group, and fifteen graduates were married, ten were single, and one was divorced.

All twenty-six respondents listed the MSW as their highest degree, and twenty of these had obtained degrees between 1970 and 1975. This information would seem to confirm that since 1970 increased attention has been given to minorities, including Indians.

The twenty-six graduates obtained their degrees at seventeen different schools of social work. Seventeen graduates obtained degrees at seven of the nine schools which had formal programs for Indians. The University of Oklahoma and Arizona State University were each represented by five graduates. Twelve of the twenty-six graduates reported that they had specialized in community organization, planning, or administration, while fourteen reported that they had specialized in treatment. Although the research requirement has been dropped by more and more schools of social work in recent years, nineteen respondents reported that they had engaged in some kind of research, and ten of the nineteen reported that their research topics pertained directly to Indians.

The twenty-six MSW graduates reported that they had received financial aid from several different sources. The BIA was cited thirteen times as a financial aid source; the National Institute of Mental Health was cited six times; states were cited five times; tribes were cited four times; and VA was cited three times. Eighteen respondents partially financed their own educations. Twelve obtained loans from governmental or private organizations, five relied on personal savings, and one worked while attending school. Nineteen private organizations made financial aid contributions to the respondents.

Past and Present Professional Status and Activities. The graduates reported that they were members of five Indian organizations, including the Association of American Indian Social Workers (eighteen members); National Indian Education Association (three members); National Congress of American Indians (three members); Phoenix Indian Coalition (one member); and Indian Mental Health Association (one member). The graduates reported that they also belonged to professional and community service organizations, including the National Association of Social Workers (ten members) and the Council on Social Work Education (three members). Several respondents reported membership in specialized professional organizations, such as the Child Welfare League of America, American Orthopsychiatric Association, American Institute of Planners, and the National Council of Aging. Six respondents reported that they did not belong to any professional organization.

Graduate respondents had had a wide range of work experience All had worked with Indian people. Twelve reported that their current employers served Indians exclusively, while twelve reported serving both Indians and non-Indians. Eighteen of the twenty-six graduates had worked as direct service providers, and all had been involved in one or more of the following areas: administration, supervision, planning, consultation, research, or some aspect of higher education or staff training. It is noteworthy that these graduates, most of whom had had their MSWs for five years or less, had moved rapidly into these nondirect service positions.

Graduates' Perceptions of Social Work Education. Nine of the respondents reported that they had attended schools with formal recruitment and educational programs for Indians. One other person indicated that, although his school claimed to have a formal program, the program was not functioning.

The graduates who obtained their degrees before the era of increased attention to minorities generally did not comment on support services, or they made such statements as "all students including Indians were on their own." Overall, graduates were critical of their schools' recruitment efforts. Eight said that there had been no efforts to recruit Indian students, twelve said that the efforts had not been adequate, and only six said that recruitment efforts had been adequate. The graduates perceived financial assistance for Indians as more adequate than recruitment. Fifteen people believed that

Indian students' needs had been met, and eight believed that they had not been met. Only two graduates reported that financial assistance had not been available. Remedial courses and tutorial services were perceived as inadequate, while assistance in housing location and assistance in finding short-term loans, two very practical and basic support services, were perceived as meeting the needs of Indian students most frequently. Remedial services, tutorial services, and child care were the three services which were most often perceived as not being available.

Like students, graduates believed that there were advantages and disadvantages to having Indian faculty members at schools of social work. Several respondents stated that Indian faculty should provide personal and educational counseling and act as advocates for Indian students. Some graduates mentioned that they approved of Indian faculty publishing curricular materials on Indians, doing research on Indians, attracting money for Indian students and programs, and helping to create an Indian community within a school. Some graduates mentioned the disadvantages of having Indian faculty present: that schools had unrealistic workload expectations of Indian faculty; that Indian faculty were tokens; that Indian faculty "sold out" by being self-serving or not being culturally Indian; and that hiring Indian faculty took skilled people out of Indian communities. One person made a very interesting comment--that if an Indian faculty member were not qualified, it would make all Indian students look bad.

Sixteen of the twenty-six respondents were critical of their schools' curricula. Over half of the graduates felt that the three traditional curricular areas of social welfare policy and planning, human behavior, and social work methods, as well as child welfare content generally, were not relevant to Indian people. Social welfare policy and planning was perceived as the most relevant area of the four, while child welfare received the lowest rating. Most stated that curricula paid only token attention to Indians, consisted largely of misinformation about Indians, and were oversimplified or too general to be useful. Even schools with formal programs for Indians were judged to be weak in this area. One respondent commented that the curriculum at his school was Freudian in orientation and had no relevance to Indians whatsoever. Another respondent was very frustrated because neither faculty nor students were available to help make judgments about what theoretical material was applicable to Indians and what was not. Another graduate complained about the complete absence of information on Indians, even though one faculty member in social welfare policy had been a long-time employee at a high administrative level in the Bureau of Indian affairs.

Graduates suggested a number of ways in which they could contribute to the education of Indian people as social workers. Some of their suggestions included recruiting Indian students, developing field placements, developing and conducting training sessions, finding jobs for graduating Indian students, doing research, and helping to develop curricula. They also felt that they could increase membership and participation in social work- and Indian-related organizations, such as the Association of American Indian Social Workers, possibly found another national Indian social work-related organization, and increase participation in the Council on Social Work Education. Several graduates suggested ways in which Indian social workers could keep in touch with schools of social work and the Indian community.

Indian Graduate Faculty at Schools of Social Work

A Profile of Indian Graduate Faculty. Of the nineteen Indian graduate faculty who were identified and located, ten responded to the survey. Because of the small number of respondents, it is difficult to make meaningful comparisons of this group's responses and the responses of the Indian students and graduates.

Graduate faculty respondents represented six tribes, taught at eight schools of social work, and held the following ranks: professor (one), associate professor (one), assistant professor (four), clinical professor (two), and lecturer (two). All of the respondents, with the exception of one faculty person, had been appointed to their ranks between 1970 and 1975.

Together the ten faculty members held the full range of faculty assignments, from administrator to traditional classroom teacher. Five of the faculty respondents were directors of formal Indian programs at their schools, and four reported that they were teaching courses on minorities and/or the Indian. Two were engaged in advising Indian students, and nine were involved in the recruitment of Indian students. All ten faculty persons were involved to some extent in programming for Indian students, even though two help positions at schools which did not have formal programs for Indians.

Faculty Perceptions of Social Work Education. The faculty respondents were asked to evaluate the social work programs of the schools where they taught. The social welfare policy curricular area was perceived as most adequately meeting the needs of Indian people. Human behavior curricula were also rated moderately well, while social work methods and child welfare curricula received very low ratings. Six of the respondents explained that schools of social work were at various stages in incorporating content into their curricula on American Indians, but all efforts were seen as being essentially at beginning stages.

The faculty respondents were generally critical of the support services available to Indian students at their schools. Only two of the ten respondents believed that the recruitment services at their schools were adequate, and two indicated that financial aid services met the needs of Indian students in their schools. None of the respondents indicated that remedial courses were adequate. A clear majority of the respondents stated that personal counseling and educational counseling services were adequate, but opinion on other support services was either negative or fairly evenly divided. One faculty person from a school with a formal Indian program indicated that Indian students did not need job placement services since they received many job offers without even looking for jobs. Another respondent emphasized that the gradual restriction of federal funding was so seriously hampering recruitment, financial assistance, and other services to Indian students that it was difficult to continue the present level of programming.

ISSUES IN SOCIAL WORK EDUCATION

General Suggestions for Improving Social Work Education for Indians

This survey suggests several ways in which schools of social work--including those with formal programs for Indians--can improve their programs in order to serve Indian people better:

1. Indian tribes and groups could be given the primary responsibility for developing social work educational programs for Indian students. Such programs should have personnel, including directors, who are of Indian descent and who are recognized as such by their communities. Directors of these programs should be appointed as associate deans to insure their access to deans and other administrators. Although it may be desirable for directors of Indian programs to have doctorates, doctorates are not necessary to insure

effective programs, and there are few Indians with doctorates in social work at the present time.

2. Programs should also have strong ties to undergraduate and associate degree programs and to Indian-controlled colleges and community colleges located on reservations.

3. The presence of Indian faculty in schools of social work could also contribute to the programs' success. Thus, faculty recruitment efforts should be vigorously pursued, along with the development of faculty training programs.

4. Almost all of the existing graduate Indian programs have been able to establish special practicum placements for both Indian and non-Indian students in social welfare agencies serving Indian clientele. Federal agencies, Indian-controlled organizations, such as urban Indian centers and tribally run human service agencies, and some private agencies can be used for field placements.

5. Although most schools have been reluctant to apply the concept of "block placements," this type of placement could be very effective. Basically, "block placement" means that a student devotes a block of time (a semester or two quarters) to a social agency on a full-time basis without scheduling any course work. Thus, the block placement permits students to obtain experience on reservations or at other locations at a considerable distance from the schools of social work which they attend. Both Portland State University and the University of Utah have had Indian students placed in Alaska, and the placements have been deemed successful by the schools, the agencies, and the students involved.

Suggested Curricular Modifications

In order to relate course content to Indians, two tasks need to be accomplished. First a decision must be made on what content should be included; and second, a decision must be made on how it should be packaged. Material on Indian socioeconomic conditions can be incorporated with little controversy, but there may be disagreement and controversy about incorporating such subjects as suicide, alcoholism, and mental health. For example, there is conflicting opinion on the rate of suicide among Indian people, with those who do not agree that Indians have a suicide rate above the national average arguing that statistics are distorted because of record-keeping and reporting errors and because suicide is defined incorrectly.[6] Similarly, some Indians and non-Indians believe that the loose use of the term "alcoholism" in relation to Indian drinking behavior (as opposed to the drinking behavior of other groups in the country) increases its reported incidence.[7] A third controversy concerns the causes of alcoholism among Indians. One expert has gone to the trouble to identify forty-two theories of the causes of Indian alcoholism. For purposes of simplification, he has categorized the forty-two theories into six major categories: cultural, social, economic, biological, psychological, and combinations of these five.[8]

These controversies illustrate the difficulty of incorporating content on Indians into certain curricular areas. Probably the most acceptable selection method of dealing with these controversies, which is used by some schools, involves presenting the various sides of controversies along with the evidence that supports each position. Other schools take a position on an issue and provide support for that position (e.g., alcoholism is a very serious problem for Indian people since its incidence among Indians is far above the national average).

With regard to the historical and policy experiences of Indian people, courses have tended to focus on the unique status of Indian tribes in relation to the federal government, based on the treaties between tribes and the United States, and on how the breaking of these treaties has contributed detrimentally to Indians' health, education, economic, and social status. Until recently there has been very little curricular content on the jurisdictional problems and disputes between Indians and the government at all levels over such issues as the provision of social welfare services. However, more attention needs to be given to these areas since much of the past content on them has been descriptive in nature and subject to factual errors and omissions. A recent study by CSRD takes a new look at these issues and should set the stage for further research.[9]

Courses on and content related to racism have grown in popularity in the curricula of many schools of social work, including those that have formal Indian programs. Although the processes involved in racism may be basically the same for all minority groups, it should be remembered that Indian tribes have generally not seen themselves as a part of the minority movement of recent times. They have not wanted to integrate with the general population but instead have sought the right to self-determination and the right to continue their unique status as self-governing tribes.

Therefore, their unique status must be kept in mind as curricula are designed and modified.

The greatest curricular challenge arises over the inclusion of content on tribal cultures. Since many people feel that culture cannot be taught, it has been argued that the best that can be done is to provide some content on the cultures of a select number of tribes in order to convince non-Indian students that tribal cultures are real and continue to exist in their basic forms. This area needs more attention from Indian people in terms of what material should be included in curricula or whether cultural material should be included at all, since even within a given tribe people may disagree about their own tribal culture.

Where content on Indian cultures is incorporated into curricula, it is most frequently included in the human behavior sequence areas and to some extent in the social work methods area. For example, the University of Washington reported three culture-related courses in its human behavior sequence. One course compared Erikson and Piaget's theories of child development with historical and traditional southwest Indian models, specifically the Pueblo and Navajo. This course was taught by a southwestern Indian faculty person familiar with these tribes. A second course focused on Indians who live in two worlds, such as the reservation person who moves to an urban area, and included some emphasis on necessary skills for working with such people. A third University of Washington course, now in the process of development, will center on minority child and family casework and will include Indians.

Finally, the material which now exists about social work practice is fragmentary and limited, and little attention has been given to the area by Indian people, including social work professionals. However, since 1970 professional journals have carried some articles by Indian social workers about how to work effectively with Indian clientele. These articles are based on the authors' practice with Indian clientele and on their own growth and life experiences. Currently the best that can be done in the methods area is to offer these articles for inclusion in graduate social work curricula.[10]

The second major question in curriculum development is how to package content on Indians since there has been controversy within schools of social work about whether content on minorities is a legitimate part of social work curricula. Those schools of social work which reported content on Indians have some content in curriculum sequences on Indians and also offer a few specialized courses on Indians. Ideally, however, content on Indians should be incorporated into all curricular areas, with special courses focusing on areas of current concern to Indian communities, such as child welfare.

Also related to the structuring of curricula is the issue of developing continuing education programs in schools of social work. So far very little has been done in this area. Courses designed to update knowledge and skills could be offered to Indian social workers and to non-Indians working with Indian clientele through such programs.

Finally, both professional and nonprofessional Indian people should participate in curriculum development efforts. The Association of American Indian Social Workers is now gathering curricular materials from schools of social work and other sources for the purpose of developing and sharing these materials with all who are interested. Indian social workers working in the field can provide another major source of information in the form of raw data from which curricular materials can be developed.

CONCLUSION

In spite of the low response rate to the survey, a reasonably clear picture of graduate level (MSW) education in social work emerges. Over the last five years, pressure by Indian social workers, new CSWE accreditation requirements, and the availability of federal funding for graduate social work education programs for Indians have helped to produce several positive developments in social work education. More Indians are going to graduate schools of social work, more Indians are on the faculties of these schools, nine formal programs for Indians have been established, and curricula are slowly being reshaped so that they are more relevant to the needs of Indians. However, many of the Indian respondents to this survey indicated that more work needs to be done in all program areas to serve Indians better, especially in the areas of curriculum and support services.

A major finding of this survey is that schools of social work with formal programs for Indians have recruited most of the Indian students now in social work education. In spite of respondents' criticisms, these schools are also giving more attention to other components of their programs besides recruitment, such as incorporating content on

Indians into curricula and providing support services to help Indian students stay in school. Indian respondents reported that some progress is being made in these programs, even though they do not view them as the integrated, smoothly operating programs that they desire. Special programs for Indians at schools of social work could be given continued and expanded general funding, and greater emphasis could be given to Indian input into and control over funds devoted to social work education. Finally, stipend and scholarship money could be channeled through Indian tribes and groups so that they can exert greater control over who receives money and which schools benefit from it. Much of the present funding is controlled by schools of social work themselves, and Indians have argued that the schools have given some stipends to non-Indians who claimed to be Indians. Incentives for Indian-controlled research and curriculum development could also be built into funding arrangements. With greater input and control by Indian people, shifts in emphasis of Indian programs can be made. As special problem areas arise like child welfare (adoptions and foster care), schools can adapt their programs to make these issues meaningful to Indian students and others who might be interested in them.

Schools with formal programs could also develop block placements and other field placements which offer Indian students the opportunity to work with Indian clientele. Presently it is very difficult for Indian students to obtain field placements in Indian settings if their schools are located at some distance from reservations or Indian communities.

This policy could link graduate schools of social work with both the reservation-based community colleges and selected undergraduate social welfare and human service programs as far as recruitment of Indian students, educational counseling, and curricular content on Indians are concerned.

In conclusion, it should be reemphasized that greater input and control of educational programs in social work for Indians by Indian people are essential. Current federal policy supports this concept since numerous treaties recognize Indian tribes as autonomous governmental entities.

In addition, cutbacks in funding for Indian programs must be resisted. Although most of the financial support for these programs will continue to come from the federal government, it is imperative that continuing efforts be made by the administrations of schools of social work, including the directors of these programs, and by Indian communities to seek other funding sources.

Chapter 7

THE STATE OF THE FIELD IN INDIAN CHILD WELFARE: A SUMMARY

This chapter provides an interpretive summary of the results of CSRD's national survey of the state of the field in Indian child welfare. It is organized around four themes:

1. Responsibilities for the provision of child welfare services and barriers to the delivery of services
2. Tribal cultures and child welfare services
3. Foster care and adoptive placements of Indian children
4. Unmet needs in the field of Indian child welfare

THE DELIVERY OF CHILD WELFARE SERVICES TO INDIANS: RESPONSIBILITIES AND BARRIERS

There are four major types of agencies which have responsibilities for providing child welfare services to Indians. These agencies include: state-county social service systems; the federal service system (the Bureau of Indian Affairs and the Indian Health Service); Indian-run agencies (tribal governments or other organizations); and private non-Indian agencies. The state-county social service systems and the federal service system are by far the most active in providing child welfare and other social services to Indians. Tribal and other Indian-run social service agencies are relatively new. Furthermore, although they operate Head Start and CETA programs with direct federal funding, most tribes must rely on contracts with state-county social service systems or with the BIA for support of service programs in the traditional child welfare areas of foster care, adoptions, day care, protective services, and emergency services. Most private social service agencies, except for programs such as the Mormon Church's Indian Student Placement Program, provide few services to Indian children and their families.

The relationship between the state-county systems and the BIA-IHS system varies widely from site to site and from state to state and is exceedingly complex. Much, but not all, of the variation can be explained by the differing legal statuses of different Indian communities. A thorough understanding of the unique and complex legal position of tribes is essential to an appreciation of the major issues in the field of Indian child welfare.

Among minority groups in the United States, Indian tribes are unique in two respects. First, the Constitution, federal legislation, and numerous court decisions all affirm that federally recognized Indian tribes possess substantial powers of self-government and that Indians on reservations shall look to tribal governments for the exercise of many of the functions which are provided elsewhere by state governments. Except where Congress has acted to limit tribal powers and to permit states to assert their jurisdiction and authority, such as under PL 83-280, states have little or no authority to enforce their laws on Indian reservations. Recent federal policy has explicitly sought to strengthen tribal governments in the name of Indian self-determination.

Second, the Indian Health Service and the Bureau of Indian Affairs have a specific mandate to provide certain services to federally recognized Indian tribes, including Alaska Natives. Indian reservation lands are held in trust for tribes by the federal government and thus are exempt from state and local property taxes, and management of these lands is the responsibility of the BIA. The legal and historical facts of tribal self-government and federal trust responsibility are unique to federally recognized Indian tribes and have a pervasive influence on the delivery of social services, as well as on many other matters involving Indians.

State Governments and Indian Child Welfare

The Social Security Act provides for a variety of financial assistance and social services programs, most of which are to be administered by state governments and their local political instruments, county governments. Relevant case law clearly indicates that each state must provide these services to reservation Indians on the same basis as to its other residents. However, the Social Security Act does not explain how tribal governments are to fit into the system of federal-state programs, and there are serious legal and jurisdictional barriers to the delivery of services by state-county systems on reservations where tribal power of self-government have not been abridged by PL 280.

For example, on non-PL 280 reservations tribal courts have jurisdiction over such child welfare matters as foster care placements and adoptions, child abuse and neglect, and juvenile offenses. Many tribes have not adopted juvenile codes and have been slow to exercise jurisdiction in these matters. Nonetheless, SRS program instructions indicate clearly that state agencies must work with tribal courts and recognize tribal court orders in these matters. However, CSRD's survey showed that few county welfare offices routinely notified tribal courts of cases involving reservation children. Although a thorough investigation of individual cases would be required to determine how reservation cases are being handled outside the tribal court system, it seems likely that many counties are simply not providing court-related child welfare services to reservation Indians unless these Indians go off reservations and present themselves to county offices.

The recognition of tribal court orders by state courts and by state institutions is a related jurisdictional issue. Two state courts included in CSRD's survey indicated that they would not recognize tribal court orders, and three stated that they recognized tribal court orders only in certain circumstances.

A second problem arises over licensing. In order to be eligible for federal reimbursements, AFDC-FC homes and day care facilities must be licensed or approved. Prior to the publishing of Title XX regulations, these facilities had to be licensed or approved by state governments. However, since state governments do not have the power to enforce licensing procedures on non-PL 280 reservations, many facilities were simply not licensed, with the result that these services were not available on reservations. Because of this problem, the Region VIII Office of SRS and the state of North Dakota worked out an arrangement between 1972 and 1974 which allowed a BIA agency superintendent or tribe to provide information so that the state could approve facilities. The Title XX regulations have attempted to deal with the problem by stating that facilities are eligible for federal financial participation if they are licensed by the state or approved by tribal governments. However, CSRD was unable to determine whether any tribe outside North Dakota has yet established procedures for approving facilities and notifying relevant state officials so that federal-state funds can be made available to them.

A third difficulty involves state contracting with tribal governments. Some state governments have been reluctant to contract with tribal governments for the provision of services because they lack the power to take tribal governments to court to recover funds which might be spent outside the terms of a contract or without proper documentation.

An additional problem related to the lack of state jurisdiction arises over who will pay the 25 percent local share necessary to earn the 75 percent federal share for services under Title XX. State governments do not have the power to tax Indians' real or personal property on reservations, nor can states tax Indians' income earned on reservations. Accordingly, states have often argued that they cannot afford to pay the local share for services to reservation Indians. Congress has repeatedly been asked to amend the Social Security Act to provide for 100 percent federal funding of such services, but with one partial exception (the Navajo-Hopi Rehabilitation Act of 1950) it has declined to act. In many cases tribes have had to put up the 25 percent local share from their own funds in order to operate day care or other programs with Title XX funds. For example, the Navajo Nation not only had to pay the 25 percent local share, but it also had to pay the state of Arizona a fee to cover the administrative costs of handling the contract.

Legal and jurisdictional problems often contribute to another barrier to the effective delivery of child welfare services to Indians by state-county systems. Many respondents to CSRD's survey reported that interagency relationships are often in need of improvement. At some sites county officials have developed good working relationships with tribal and BIA officials. For example, the willingness of the county to open a suboffice on the Makah Reservation in Washington and its willingness to hire Indian staff to operate it led to a good relationship. However, at other reservations relationships between counties and tribes are strained because tribes feel that county social workers have been much too quick to remove Indian children from their families and to place them in off-reservation, non-Indian foster and adoptive homes. Numerous tribal councils have passed resolutions condemning this practice.

A third barrier to the effective delivery of state-county child welfare services to Indians occurs because of the reluctance of many states to take into account the special problems of providing services to Indians. The existence of these problems was affirmed by 65.6 percent of the respondents to field interviews and mail questionnaires, who cited such specific problems as cultural factors, communications problems, a reluctance on the part of Indians to use the service system, the extended family system, and different child-rearing practices.

Respondents also indicated that they favored such special provisions as recruiting Indian adoptive and foster parents, notifying tribal officials about placements, employing special staff or outreach workers for Indian child welfare cases, and adopting special licensing standards for Indian foster homes. SRS has formally recognized the necessity for some of these special provisions for Indian child welfare cases. A 1974 program instruction stated that "the present system of foster care, adoption, and day care for Indian children living on reservations" was defeating the goals of the Social Security Act (i.e., to strengthen family life and to permit children to remain in their homes). Consequently, it stated, "if different standards would be more likely to accomplish the goals of the Act, they are permissible in order to remove the hardship, and in extreme cases may be required."[1]

In spite of this instruction, research data show that only a small minority of counties at the survey sites have adopted special standards, hired special staff for Indian cases, or routinely followed the special procedures listed above. Of the seventeen states responding to the mail survey, only four included special materials about Indian child welfare in their state plans or manuals, and only the state of Washington has developed a number of broad policies which define how Indian child welfare matters should be handled. Several responding states, including some with substantial Indian populations, stated that since they provide the same services to both Indians and non-Indians, they could make no special provision for services to Indians. Similarly, state institutions reported a lack of attention to the special problems involved in serving Indian child welfare needs.

A fourth barrier to the effective delivery of child welfare services to Indians is the lack of Indian involvement in child welfare matters, which takes several forms, including a lack of Indian staff, a lack of Indian representation on advisory boards, a lack of other channels for input from tribes and other Indian organizations, and a lack of Indian foster and adoptive parents. Several respondents reported recent progress in one or more of these areas. Over a third of the agency respondents who felt that child welfare services had improved over the last five years cited increased Indian involvement as a reason. However, there is still much room for improvement, since the most widely suggested area for future improvement was increased involvement by tribes or other Indian organizations in child welfare matters.

Many sites listed the distance between county welfare offices and reservations as another major barrier to the provision of services. Only three of the twelve reservation sites studied had county offices, while two additional sites had offices within one mile of reservation boundaries. At the other seven sites, seventy to one hundred miles of travel might be necessary in order to visit county welfare offices.

Boundary lines present another problem. Many reservations include portions of several counties, and some reservations, including the Navajo Nation and the Standing Rock Reservation, overlap with more than one state. These boundary lines often make it difficult for tribal officials to work with state and county officials to plan the delivery of services to reservations.

Finally, it must be recognized that planning for and provision of services are hampered at many sites by mistrust, prejudice, and communications problems. Although these factors are difficult to measure objectively, many respondents suggested that they were problems. Indians are a large minority group in many areas, and prejudice and mistrust in these areas are still very strong. It should be remembered that wars between Indians and whites ended less than ninety years ago, and as recently as the 1950s, federal policy explicitly endorsed the goals of assimilation and termination of federal responsibilities to Indians.

The BIA and Indian Child Welfare

It is BIA policy to provide social services to federal reservations and to nonreservation areas of Oklahoma and Alaska on a residual basis--that is, to provide services only when they are not available from state-county systems. There is a strong basis in SRS policy and in applicable case law for arguing that the legal and jurisdictional barriers described above do not relieve states of the responsibility to provide services to reservation Indians on an equal basis. However, congressional testimony by BIA officials makes it clear that the BIA is willing to step forward to provide needed services when states are unable or reluctant to provide them because of jurisdictional or financial reasons.[2] Since some states provide little or no service on reservations, the BIA is often in the position of being the primary provider of child welfare services.

However, there are several barriers to the provision of adequate services by the BIA. Perhaps the most difficult barrier to define and measure is the legacy of outgrown BIA policies. As recently as 1975, the U.S. Civil Rights Commission characterized Indian tribes as colonies and identified the BIA as the chief colonialist agency.[3] For years, the BIA has exercised an extremely high degree of control over the affairs of reservation Indians. For example, many resolutions and ordinances passed by tribal councils do not take effect until approved by the Secretary of the Interior. Furthermore, for many years BIA policies explicitly endorsed assimilation of Indians into the mainstream of American life. One could interpret the policy of providing residual services as supporting assimilation rather than self-determination. The statement of this policy in the BIA Manual reads:

> It is the position of the Bureau that the general welfare of the Indian child is be promoted when the appropriate State agency provides necessary social services to Indian children on the same basis as to others. . . . Tribal welfare programs are an important resource for Indian children.[4]

The policy of providing residual services is not changing, but the phrasing of this policy is being changed. The sentence referring to tribal programs was added in 1974, and proposed regulations published in November 1975 eliminated the phrasing "provides . . . services . . . on the same basis."[5] Presumably when final regulations are published the BIA Manual will also be changed.

A second barrier to the effective delivery of child welfare services to Indians is the resistance of some BIA social workers to the concept that there are significant differences between providing services to Indians and providing services to non-Indians. One high-ranking BIA official asserted that there is a "lack of recognition that many problems they [Indians] experience are common human problems. When recognition is established of common human problems, energy can be expended more efficiently on uniquely Indian aspects." In response to a question which asked what special problems were involved in serving Indians, this official went so far as to say that the main problem was "the feeling of many Indians that they are different because they are Indians."

Closely related to this attitude is the fact that many BIA social workers are non-Indians. The Indian Reorganization Act of 1934 sought to reverse the long-standing domination of the BIA by non-Indian personnel by providing for Indian preference in hiring and promotions within the bureau. However, this legislation has not been enforced. In 1974, the Supreme Court ruled that Indian preference is constitutional, but efforts to implement Indian preference have still lagged. Five of the BIA area social service offices have no Indians in professional positions, and two area social service offices have no Indian staff. The ten area offices which responded to CSRD's survey indicated that there were only two Indian chiefs of area social services and two Indian assistant area social workers.

BIA social services are limited by two more easily measurable factors, limited funds and limited authority. Since the bulk of BIA social service funds are committed to financial assistance, little remains to finance service programs. BIA funds do not permit support for day care programs. In addition, only two of the seven BIA agencies responding to the survey reported providing homemaker services, and only one reported providing group care services. In the two BIA areas which cover the state of Oklahoma, in the area covering the Pacific Northwest, and in the area covering California there is almost no funding for services, and the activities of BIA social workers are limited primarily to handling general assistance and referrals to BIA boarding schools. These states generally have full jurisdiction over child welfare and other matters. Although the BIA does not provide services in urban areas, field research in Phoenix and to a lesser extent in other cities indicated that Indians may return to reservations to get services, either on their own initiative or after referral by state-county offices.

BIA activities in adoption cases are restricted by the fact that the BIA is not empowered to accept the custody of children. Thus, custody must be assumed by either a tribal or state court, or it must be transferred to a state or private agency licensed by that state. Many tribes do not have juvenile codes or, if they have a code, they are reluctant to sever parental rights. However, non-PL 280 states cannot legally accept custody for a reservation child unless they go through a tribal court. Furthermore, some states refuse to recognize adoptions made through tribal courts. On non-PL 280 reservations a legally valid adoption can be difficult to arrange.

The Indian Health Service and Child Welfare Services

The mandate of the Indian Health Service is to provide comprehensive health care and preventive health services. IHS does have a small and growing mental health program, and there are medical social workers at many IHS service units. Thus, IHS may become involved in child welfare matters, although at present its primary responsibility does not extend to the provision of these services. Field research indicated that IHS is most likely to become involved in services to unwed mothers, child abuse and neglect, emergency services, and protective services. Usually IHS involvement ends with a referral to the BIA or to the state-county system once it has dealt with the medical aspects of cases.

For the most part, the responsibility of the IHS, like the BIA, is to serve members of federally recognized tribes on or near federal reservations and in the nonreservation states of Alaska and Oklahoma. IHS has been somewhat more active than the BIA in off-reservation areas, because unlike the BIA, IHS has received a number of special congressional appropriations to conduct surveys of health needs and to provide some limited services in certain cities located in off-reservation areas. In addition, IHS operates several hospitals which are located in major cities and serve some off-reservation as well as reservation Indians.

Barriers to the availability of these limited IHS child welfare services are similar to the barriers to the delivery of BIA services. Many IHS staff members are non-Indians, and respondents to CSRD's survey reported that very few Indians were working in the mental health or social service units at the eleven field research sites with IHS facilities. Distance is another problem at some reservations, since several small reservations are often served by one service unit. Finally, IHS respondents reported a need for additional staff training in child welfare matters.

Tribal Programs and Child Welfare Services

All of the tribal social service programs at the field sites were less than ten years old, and many were quite new. Tribes have begun to operate large numbers of programs under federal grants and contracts only since the mid-1960s, and child welfare programs have usually not been the first programs that tribes have operated for two reasons. First, some tribal councils have put a higher priority on other matters, such as jobs and economic development. Second, there are several barriers to tribal contracting for child welfare services.

The major barrier to tribal-BIA contracting for child welfare programs is the lack of funds. The Indian Self-Determination Act of 1975 (PL 93-638) requires that BIA either write contracts with tribes when tribes so request or else make a determination that tribes do not have the capability to operate the programs in question. If the BIA refuses to contract, it must provide capacity-building funds to equip tribes to contract in the near future. However, BIA funds for this purpose are very limited. In FY 1976 only $10.7 million was available for this purpose for all tribes for all BIA program areas, including education, law and order, resource management, and economic development.[6]

State Title XX funds are another possible resource for tribal child welfare programs, but many states are reluctant to provide the 25 percent local share for such programs. Furthermore, there are many difficulties involved in state-tribal contracting which have convinced the Inter-Tribal Council of Arizona and possibly tribes in other states that state-tribal contracting is not desirable. Several of the difficulties which arise when tribes contract with states include: the lack of flexibility in state plans to permit tribes to provide those services which are needed in reservation communities; the danger of compromising tribal sovereignty and the historical federal-tribal relationship; the difficulty of devising procedures for dealing with audit exceptions, since normal means by which states may recover funds improperly spent cannot be used when the contractor is a tribal government; the possibility that states may require that state courts rather than tribal courts handle cases being served under a contract; and the possibility that states may attempt to assess the operation of tribal programs and dictate how such programs should be run.

A second major barrier to tribal operation of child welfare and child welfare-related programs is the lack of funds for the development of tribal capabilities to plan, manage, and evaluate these programs. Since tribes have not managed child welfare or other social service programs until recently, a period of planning and program development is necessary. Purchase-of-service contracts with state Title XX agencies rarely allow for such a period before services must be delivered, even though state-tribal contracting raises many difficult legal and administrative problems. BIA social service funds are also tied to the delivery of services and allow little margin for tribes to plan programs and train tribal employees in operating them. Federal research and demonstration funds might be a way for tribes to gain funding for a period of program planning and development, but in the past, these funds have generally been tied to the provision of services. If a tribe has made limited progress in developing its program or working out arrangements to contract with a state or the BIA, then the program ends when the three years of research and demonstration funding expire.

Private Indian-Run Agencies

Private Indian-run child welfare agencies are even newer and less common than tribal child welfare programs. In most large cities there are Indian centers, which act as social centers for the local Indian population and may also operate a variety of programs with funding from federal or state sources. These Indian centers generally provide information and referral services plus some counseling, but they often lack professionally trained social work staff and rarely have a separate program of child welfare services.

CSRD field research uncovered three exceptions to this pattern. The Seattle Indian Center, which operated a residential program called "Alternatives to Foster Care" for three years with support from an OCD research and demonstration grant, succeeded in becoming licensed as a child-placing agency. However, when research and demonstration funds ran out, no alternative funds could be located, and the project is currently inoperative. In Chicago the Native American Committee (NAC) is using ONAP funds to employ a paraprofessional worker who is currently being trained by another private agency. NAC plans to recruit Indian foster and adoptive parents and possibly provide other direct child welfare services. A third exception is the Native American Family and Children's Program of Minneapolis, an independent project which was developed by community nonprofessionals with very little outside funding. During FY 1976 the project was supported by the Minnesota Chippewa Tribes under a contract with the Bureau of Indian Affairs. The project has been so successful in recruiting Indian foster homes and in playing a constructive role in working with state courts in child welfare matters that the state has agreed to license the project as a child-placement agency if funding can be arranged to hire a professional social worker. No such funds have yet been located.

On reservations tribes themselves often provide needed services. However, there are very few other examples of Indian-run agencies which provide child welfare services. The Inter-Tribal Council of Nevada provides social services, including child welfare services, under a BIA contract, and the Thunderbird Ranch, which is located near the Menominee Reservation, is an independent Indian-run group home for young people.

The major barriers to the development of private, Indian-run child welfare agencies are the difficulty of obtaining permanent funding for such agencies, the need for careful planning and development of agency programs, and the shortage of professionally trained Indian social workers to staff such agencies. Funding is available for Indian-run information and referral activities, and most ONAP-funded urban Indian centers provide referral services, some of which involve child welfare cases. However, the experiences of the Native American Family and Children's Program and the Seattle Indian Center demonstrate the need for long-term funding for urban Indian child welfare programs.

There are a few examples of separate programs for Indians which are staffed by Indians and which respond in some fashion to the Indian community but are contained within larger agencies. The Indian Adoption Program of the Jewish Family and Children's Service of Phoenix, which is supported by a BIA contract, is one example. Other examples are the Native American Outpost of the Edgewater-Uptown Mental Health Center in Chicago and the Indian division of the Santa Clara County Department of Welfare in San Jose, California.

Private Non-Indian Agencies

With a few outstanding exceptions, private non-Indian agencies lack special child welfare programs for Indians and serve Indians as part of the general population.

The most significant exception is the Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints, which places over twenty-three hundred Indian children each year with non-Indian foster parents and is supported entirely by private funds. The foster parents are church members, and one of the major foci of the program is the religious and spiritual education of the children. The program's other objective is to provide Indian children with a public school education in off-reservation communities. While there has been no systemmatic evaluation of the program's efforts or its methods for dealing with the potential conflicts between the family patterns and social practices of Anglo foster families and the quite different reservation Indian family structures and cultural patterns, evidence from two theses does suggest that these conflicts exist and that they may have serious consequences for the children involved.[7] The Mormons also operate a variety of other social service programs through local churches, but L.D.S. officials declined to participate in our mail survey or to provide information about these services.

Another project operated by a private non-Indian agency deserves special mention. Since 1957, the BIA has contracted with the Child Welfare League of America to operate a clearinghouse for the interstate placement of Indian children with adoptive families. The Adoption Resource Exchange of North America (the project's name since 1967) originally was designed specifically to place Indian children with non-Indian parents. Recently, these policies have changed to favor placement of Indian children with Indian parents whenever possible. However, the project has continued to import large numbers of Canadian Indian children into the U.S., mostly for placement with non-Indian families. Also, there are strong indications that many of the adoptive families which are registered with ARENA as being Indian in fact have only a very small quantum of Indian blood. ARENA does not attempt to determine whether these families normally identify themselves as Indians and whether they maintain ties with their tribes.

TRIBAL CULTURES AND CHILD WELFARE SERVICES

In theory, the social work profession recognizes the importance of respecting individual differences, including those which arise from an individual's cultural heritage, and the Supreme Court explicitly affirmed in King v. Smith that programs under the Social Security Act cannot be used to enforce middle-class standards or morality. In practice, however, the delivery of child welfare services often falls short of these lofty theoretical standards.

Tribal cultures differ from Anglo culture in several respects, many of which have a very important impact on child welfare service provision. Respondents to field interviews and mail surveys indicated that proper understanding and consideration of cultural differences between Indians and non-Indians are essential for providing services, but few respondents articulated how specific cultural factors might impact on child welfare services. Furthermore, the curricula at graduate schools of social work--even at the nine schools which have special programs to recruit Indian students and Indian faculty--contain little information on the implications of cultural differences for service planning and delivery.[8]

Although this project did not study the child-rearing practices and family structures of tribal cultures and their implications for child welfare services, some observations can be made. Since there is no single "Indian culture," any generalizations on the subject of the impact of tribal culture on child welfare services must be regarded with great caution. Furthermore, tribal child-rearing practices and family structures are changing, just as middle-class Anglo-American patterns are changing. In some cases these changes may be making non-Indian and Indian families more similar. But in other areas there continue to be major differences between tribal and Anglo-American child-rearing patterns and family structures.

The "extended family" is a trait common to most Indian tribes, although its strength may vary from tribe to tribe or even within reservation communities. In some tribes, clans are strong, while in others they are nonexistent. Some reservation communities are very tightly knit and provide a support system for parents in the raising of children, and in many tribes grandparents have a major role in child raising. However, in other cases the extended family system has broken down to the point where grandparents have child-raising responsibilities with much less support than used to be provided by biological parents and other members of the extended family.

Therefore, non-Indian social service providers often find it difficult to identify who is responsible for an Indian child and are frustrated by the mobility of a child, who may be the responsibility of different adults at different times. One respondent noted that within one tribal family system the children have a sense of family even if their parents are not present. However, if social workers fail to understand this system or insist on enforcing middle-class Anglo standards, they may intervene when Indians feel there is no reason for intervention.

There are also differences in parental roles. Non-Indian social workers may expect mothers and fathers to be in control of their children and may become concerned if they feel that Indians have no control over their children. Many respondents to CSRD's survey reflected this belief by saying that they felt that parental "permissiveness" was a problem with Indian children. However, many Indian families feel that children are competent to care for themselves at earlier ages than non-Indian families, and for this reason children are expected to make decisions about their own lives. Thus, older children are often left to care for younger children, which conflicts with the law in some states (Colorado) where no child under age twelve can be left unsupervised. If this type of behavior were reported by a social worker who was either ignorant of tribal culture or who felt forced to act by the codes of the system, then an Indian child could be regarded officially as being "neglected."

In most tribes, no stigma is attached to illegitimacy. Children of unwed parents may be cared for by their parents or by the extended family, and often no distinction is made between children born in wedlock and out of wedlock. Thus, family planning programs and counseling services which assume that premarital pregnancies are problem situations may be wrong and may create as many problems as they solve.

Finally, several authors have argued that the concept of social work intervention is itself antithetical to the Indian value of noninterference. Others state that techniques such as confrontation, which facilitates the display of emotions, or nondirective techniques are inconsistent with Indian cultural patterns and may be ineffective or counterproductive in dealing with Indian problems. Some authors have gone so far as to assert that social work is a "white man's technology." Gordon Keller has argued that since social workers are "part of the Anglo-American social welfare system, they become change agents in an acculturation process."[3]

The point to be recognized from this discussion is that if child welfare workers who deal with Indians take actions that are inconsistent with tribal cultures, they may alienate Indian children from their tribal backgrounds and weaken family structures. On the other hand, social workers who are sensitive and sympathetic to changing tribal cultures and who also understand non-Indian norms and the social welfare system can play a constructive role as intermediaries. They can work with individual families to help strengthen tribal cultural patterns so that they can meet the needs which Indian families and children face, and they can work to change features of the social welfare system which are incompatible with tribal cultures. If these social workers are Indians and members of the tribal community, they may be able to perform this intermediary function more readily and effectively.

ADOPTIVE AND FOSTER CARE PLACEMENTS OF INDIAN CHILDREN

Child welfare services have been used, and are still being used in some cases, to separate Indian children from their families, to place these children in non-Indian homes, and to enforce non-Indian norms and patterns. Although no statistically reliable national study of the volume of out-of-home placements of Indian children has been completed, all available evidence indicates that Indian children have been taken from their families more often than non-Indian children. Many tribes and the National Congress of American Indians have passed resolutions condemning off-reservation placements, and Senate hearings held in 1974 helped to publicize the opposition to these placements.

Few statistics are available to measure whether this opposition has resulted in a reduction of out-of-home placements. On some reservations, county welfare offices have stopped making any off-reservation placements, and some tribes have begun to take over the operation of child welfare services. For example, the state of Washington has adopted regulations which require social workers to place Indian children with families of their own tribe or a related tribe when possible and to notify tribes of placements. In many places, tribes, Indian-run organizations, county offices, and the BIA have made special efforts to recruit Indian foster and adoptive parents. However, over twenty-three hundred children are placed in non-Indian foster homes every school year by the Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints.[10] The Adoption Resource Exchange of North America continues to place unknown numbers of Canadian Indian children with non-Indian families, and many of the adoptive families which ARENA counts as Indian families can make little claim to Indian blood. In short, although there are indications that the volume of out-of-home placements of Indian children may be dropping and that more placements are being made within Indian communities, it is clear that child welfare services are still being used to take Indian children from their homes and to break their links with their tribal cultures.

In the past some agencies assumed that capable foster and adoptive parents could not be found within Indian communities, particularly on reservations. This assumption has now been thoroughly disproven. Programs such as the Indian Adoption Program of the Jewish Family and Children's Service of Phoenix, the Native American Family and Children's Program in Minneapolis, and some county, BIA, and tribal agencies have demonstrated that capable Indian foster and adoptive parents can be recruited by diligent work at the community level.

However, CSRD's research yielded evidence that licensing and recruiting standards for foster homes are still a problem in some areas. BIA regulations and a recent SRS program instruction recognize that the physical standards used by states to approve foster care homes are middle class, which often means excluding Indians who live both on and off reservations.[11] Most of the Chicago household respondents indicated that they felt that they did not stand a chance of being accepted as foster or adoptive parents. Although the BIA Manual permits agencies to depart from state standards in approving foster homes, of the five BIA agency offices surveyed and involved in foster care, only one indicated that it used special standards. Although a SRS program instruction encourages states to adopt special standards for reservations and indicates that such standards may be required in some circumstances, only three of seventeen state respondents reported that there are procedures for modifying standards for Indian foster homes.[12] Two county offices visited as part of the field research reported that they adapt standards informally since their states have no such procedures.

Closely related is the fact that Indian families may not have the financial resources to take another child into their homes. Making AFDC-FC payments available to relatives caring for a child would help to solve this problem since AFDC-FC payments are generally considerably higher than the regular AFDC allowance for an additional child. A 1974 SRS program instruction noted that several court decisions supported this practice when relatives were licensed or approved as foster parents and had no legal responsibility for caring for a child.[13] However, only two county offices interviewed indicated that AFDC-FC payments to relatives were permitted.

UNMET NEEDS

The most pressing needs of Indian families and children are for more jobs, more firm control of Indian lands and resources by Indians, and respect for the distinctive ways of life of Indians and Alaska Natives by all Americans. Unemployment and poverty are the major problems that Indian families face in raising their children. Over the last three hundred years Indians have been progressively displaced from their best lands, which were formerly the source of their livelihood. Even the placing of tribes on reservations did not stop this policy, since on many reservations the government made it possible for the best lands to be homesteaded, sold, or leased to non-Indians.

Unemployment rates on many reservations and in many non-reservation Indian communities are disastrously high. According to a Department of Commerce directory of reservations, unemployment rates of 40 to 75 percent are not at all uncommon.[14] The 1970 census (which has been widely criticized for undercounting Indians) notes that the median income of Indian families is $5,832, with 33.3 percent of all Indian families living below the poverty level.[15] Over 40 percent of all Indians over twenty-five have an elementary school education or less, and only 3.8 percent have completed four years of college.[16] According to the IHS, "The health status of Indians and Alaska Natives . . . still lags 20-25 years behind that of the general population."[17] Thus, it is clear that economic problems are really the major source of difficulty for Indian families.

However, there are also problems related to child welfare. Within the field of child welfare services, the most pressing need is for more involvement by tribal governments and other Indian organizations in the planning and delivery of services. Since child welfare services have traditionally been associated with the removal of Indian children from their homes and tribes, the imposition of more child welfare services by non-Indians would not be an effective solution to Indian problems.

Instead, existing Indian-run social services should be expanded and new programs to meet the needs of Indians as defined by Indians themselves should be developed. In addition, there may be a need for more and better preventive and supportive services. Improvements in (or alternatives to) the system of BIA boarding schools and improved adoption and foster care services also seem to be necessary.

The Need for Preventive and Supportive Services

Many respondents agreed that there is simply not enough for children to do, whether they live on or off reservations. With extra time on their hands, many children, especially adolescents, get into some kind of trouble. Many sites reported that adolescents fell into patterns of uncontrollable behavior. This behavior was usually nonviolent, but it did involve glue sniffing, alcoholism, and general rowdiness. In many Indian communities this type of behavior is also encouraged by poverty, isolation, alcoholism, and, in many cases, the weakening of traditional mechanisms of social control.

Where the extended family and other social institutions are strong, problems can usually be handled, but when the extended family and other traditional social institutions have been weakened or have broken down, the problems become particularly acute. For example, household interviews on the Fort Berthold Reservation in North Dakota found most behavioral problems among children in new public housing projects, which are similar to housing projects on many other reservations. Although most residents were accustomed to living in the country where there was plenty of room, the housing projects were tightly clustered. Many people who were displaced from their home communities by the building of a dam in the 1950s were also living in the projects. Since people in these projects lived next door to families from other communities rather than their extended families, traditional systems of family support and control of children by the extended family functioned less effectively. Household interviews in Chicago revealed a similar situation. It seems that supporting social and family structures are hardly ever present for Indians who live in cities.

Alcoholism among parents is also a cause of many child-related problems. When parents are drinking, children may be left alone, in some cases without adequate supervision. Alcoholism is also a factor in family tensions and breakdowns.

On reservations, in nonreservation areas, and in cities the most widely mentioned need was for a larger number of worthwhile activities. Steady jobs, vocational training, the construction of more recreational facilities, the organization of programs like Boy Scouts and 4-H, and more cultural programs (especially those which involve both older members of the community and young children and adolescents) are all needed. Services such as those provided by the traditional urban settlement house would also be useful in many Indian communities.

The second most widely mentioned need was for programs to help people deal with family tensions and family disorganization. Some respondents expressed the need for services such as counseling, family therapy, and self-help groups for families. Since many traditional social work and psychiatric techniques may be incompatible with tribal cultures, new techniques for dealing with these problems must be developed by Indian professionals and by sensitive Indian community leaders.

On reservations, many agency personnel reported a need for more group and foster homes, emergency shelter care, and other facilities for delinquents and predelinquents. Because reservations only rarely have adequate emergency facilities for juveniles, children are often placed in jails, many of which are old and overcrowded, in a group home, if one is available, or they are released. Detaining juveniles in group homes on an emergency basis can disrupt the services being offered to other residents of the group home. Foster homes for adolescents are also not generally available. Finally, many sites mentioned the need for facilities to provide temporary twenty-four-hour care for young children.

The Inadequacy of BIA Boarding Schools as Child Welfare Service Agencies

BIA boarding schools are a major traditional resource for the out-of-home placement of Indian children, including children from families which are having problems and children whose own problems cannot be handled by their parents or within their own communities. Placements in BIA boarding schools are handled by BIA social workers, and a majority of placements (an average of 67 percent at the fifteen boarding schools responding to this survey) are made for social rather than educational reasons.

Children are often placed in boarding schools because group homes, foster homes, emergency care facilities, and programs to provide counseling and other social services to children and families are lacking on reservations. Thus, BIA boarding schools are the only resource available to many parents whose children have problems. However, findings from this project and other studies show that boarding schools also lack adequate counseling and guidance staff and that they have few programs for children with social or behavioral difficulties.[10]

More disturbing is the fact that many BIA boarding schools insist that they are purely educational institutions and refuse to recognize that they are an important part of the child welfare service system. Of the fifteen boarding schools responding to CSRD's survey, six said that they saw no need to make any changes in their programs, even though five of these schools did not have programs to deal with social or behavioral problems.

CONCLUSION

Many people assume that the provision of child welfare services to Indians is the responsibility of the Bureau of Indian Affairs. This is emphatically not the case. State and county social service agencies are responsible for providing child welfare services to Indians as well as to other residents, even though in practice several states have been reluctant to extend services to reservations because of a number of factors. The very real legal and jurisdictional barriers to the delivery of state services to reservations which exercise extensive powers of self-government have been significant in this respect.

However, there are numerous other barriers to the full provision of services to Indian children and their families, including a failure to understand tribal cultures; a failure to recognize the special legal and cultural factors that arise in providing services to Indians; the relatively low level of Indian involvement in child welfare matters as foster and adoptive parents, as administrators and staff, or as members of advisory boards; and barriers to the operation of programs by tribal governments and other Indian-run agencies under contract from states or the BIA.

Extraordinarily large numbers of Indian children have been removed from their homes and placed with non-Indian families by child welfare workers. Since the early 1960s the federal government has supported Indian self-determination, but for long periods in the past assimilation was the avowed federal policy. Child welfare services assisted this policy by applying non-Indian norms and standards to the delivery of services and by encouraging the placement of Indian children in non-Indian homes. The condemnation of off-reservation placements by many tribes and the development of child welfare programs which are operated by tribal governments and other Indian-run organizations seem to have reduced the number of off-reservation placements, but in many agencies the assimilationist practices continue.

The most important need in the area of child welfare services is to further involve tribal governments and other Indian organizations in the planning and delivery of child welfare services. It is necessary that preventive services be expanded; that BIA boarding schools recognize that they are part of the child welfare service system and that they should be staffed accordingly or be replaced by programs within the community; and that increased efforts be made to recruit Indian foster and adoptive homes.

Chapter 8

POLICY IMPLICATIONS

Federal, tribal, and state policies and the programs of private child welfare agencies should aim at the achievement of four major policy goals:

1. Increased involvement by tribal governments and other Indian organizations in the planning and delivery of child welfare-related social services
2. More study and recognition of inconsistencies between Indian tribal cultures and current child welfare service techniques, standards, and goals
3. Placements of Indian children in Indian adoptive and foster homes
4. The commitment of resources to meet the unmet needs of Indian families and children

THE OPERATION OF CHILD WELFARE PROGRAMS BY TRIBES AND OTHER INDIAN ORGANIZATIONS

The key element of an Indian child welfare policy must be a vigorous effort to increase the planning and delivery of child welfare and child welfare-related social services by tribal governments and other Indian organizations. Events are already moving in that direction. Over the past ten years, tribes and Indian-controlled organizations in non-reservation areas have written contracts and received grants for the operation of many federally supported human service programs. The federal policy of Indian self-determination recognizes the self-governing status of tribal governments and supports the trend toward tribally operated programs. Tribal child welfare programs have lagged behind other human service programs, but our research data show widespread support by tribal, federal, state, and county officials for the operation of child welfare programs by tribes and other Indian organizations.

Building Tribal Capacity in Child Welfare Services

To support the development of tribal programs in the child welfare area, a commitment of special resources and energies will be required to deal with certain barriers and problem areas. One such need is for funding to support a period of system design, needs assessment, and planning. Self-determination will not become a reality until tribes have fully developed their capabilities, and these capabilities will grow slowly unless funds are provided to build them.

Many of the HEW funding sources in the child welfare area are tied to the provision of specific services designated in legislation and are not usually available for designing and establishing a range of services. For example, Head Start funds are used by most tribes, but they are tied to the operation of ongoing services. Purchase-of-service contracts, the mechanism by which states distribute their Title XX funds to other agencies, usually cover the provision of services to clients rather than the early planning phases of program development. They often give little latitude to the service provider in designing approaches to the delivery of services, since they call for specific services to meet a state plan and to operate under state definitions and standards. The spirit of purchase-of-service contracts is quite different from the spirit of self-determination.

The federal government should make an explicit commitment to a program to provide capacity-building funds to tribal governments and other Indian organizations as a basis for Indian operation of child welfare services and child welfare-related programs. Some limited funds are already available for this purpose. One of the missions of the Office of Native American Programs is to build the capabilities of tribal governments and nonreservation Indian organizations. However, ONAP is interested in a variety of program areas, and few of its grantees have given special attention to child welfare. Similarly, in FY 1976 the BIA had $10.7 million budgeted for self-determination services which had to be divided among a variety of program areas, including economic development and resource management, as well as human services.[1]

ONAP and the BIA, together with SRS and OCD (which have mandates to work in the area of child welfare), might support programs of tribal capacity-building for child welfare. A first step in such a program might be an effort to work with several tribes and Indian organizations to develop and evaluate a range of possible models for Indian child welfare service systems. These models might test a variety of relationships with state child welfare agencies and institutions, different ways of combining BIA, federal, and possibly state funding in a comprehensive program of services that meets the special needs of an Indian community, and arrangements for small tribes to share in the operation of a common service program, possibly through an intertribal council.

Another important step would be the establishment of a clearinghouse and communications network for these programs. The clearinghouse could provide information to tribes and Indian groups about the development of Indian child welfare programs, and it could act as an advocate for these programs, prepare training materials and curricula, and provide technical assistance and consultation to tribal and other Indian-run child welfare programs.

BIA contracts with state governments should be reexamined. Currently, the BIA reimburses many states for the costs of institutional care and reimburses seven states for the costs of foster care and group care for non-AFDC children. However, since 30 July 1975, Title IV-B has required that states provide foster care and other IV-B services for non-AFDC children on a statewide basis. SRS has not moved to enforce the statewideness provision, perhaps because federal IV-B funds are such a small part of most states' child welfare budgets. However, the state of Minnesota has agreed that it has the responsibility for paying the costs of all non-AFDC foster care, and the BIA contract is being phased out over several years. In its place, the BIA has begun to contract for child welfare services with the Minnesota Chippewa tribes. Efforts by SRS to enforce the statewideness provision of IV-B, combined with a withdrawal of BIA-state contracts, would eliminate this discrepancy between BIA policy and the Social Security Act and would yield some limited funds for tribal capacity-building.

Secondly, there are problems involved in developing strong administrative structures within tribal governments. Unlike federal and state governments, tribal governments generally do not consist of separate legislative, executive, and judicial branches working with a fourth branch of agency bureaucracies. In many tribal governments, mechanisms are needed to insulate the administrative process from the legislative and political processes. Many tribal governments are still developing the "administrative technology" necessary to the smooth operation of programs, such as established personnel systems, benefit and security packages for tribal employees, accounting systems, planning and budgeting systems, and so forth.

Thirdly, there are problems because of a lack of trained Indian manpower. In the short run some tribes have been successful in building impressive programs by hiring non-Indians for key administrative and technical positions. However, for self-determination to work in the long run, Indian staff must work alongside non-Indian staff and must be trained to move into their jobs when they leave. Otherwise tribal governments will continue to need outside assistance to manage their programs.

Partly because of aggressive programs to recruit and support Indian students at the undergraduate and graduate levels,[2] Indian social workers, lawyers, and other professionals have increased substantially in number, although the number of Indians is still not adequate to meet needs. Efforts to recruit Indian students and expanded federal funding for professional training programs for Indians continue to be necessary. Efforts are also needed to attract newly trained Indian professionals for tribal government jobs. The development of stable administrative structures and support services will make tribal governments more attractive places for these professionals to work.

A fourth problem concerns the willingness of federal and state officials to allow tribal governments to experiment with new conceptualizations of service needs and new methods of service delivery, some of which may prove effective in the context of tribal cultures and some of which may fail disastrously. The freedom to make mistakes is the essence of self-determination; the denial of this freedom is a continuation of paternalism.

Tribal Courts

Few tribal judges are trained lawyers, and many tribal codes do not contain sections on juvenile matters. However, the number of Indian lawyers is increasing rapidly, and a Model Children's Code has recently been prepared by the American Indian Law Center at the University of New Mexico, with support from the National American Indian Court Judges Association. The Model Code includes provisions for tribal approval of foster homes and other facilities for the care of juveniles, definitions of "minor-in-need-of-care" and "abandoned children," procedures for the termination of parental rights, and numerous other materials.[3] Over the next few years tribes will be considering whether to adopt or modify the Model Code for use in their courts.

In addition, the Bureau of Indian Affairs is supporting a training program in child welfare matters, run by the National American Indian Court Judges Association. In FY 1977, the American Indian Law Center will be funded by the National Center on Child Abuse and Neglect of the Children's Bureau (OCD) to provide technical assistance to tribal courts as they develop their tribal codes and procedures in the area of child abuse and neglect. Continued support for such programs is necessary.

Another important issue is whether state courts, state institutions, and state/county welfare departments recognize tribal court orders. Since most reservations have very limited facilities for the care of delinquent youth and children with special needs, access to off-reservation institutions is essential. As a result of a 1974 Montana Supreme Court decision (Black Wolf v. District Court), the procedures for tribal court commitments to state institutions for juveniles collapsed, and all incarcerated juveniles from reservations were released. Recent state legislation attempts [illegible] reestablish a mechanism for tribal court commitments [illegible] these institutions by permitting tribes to contract for services with the institutions, while the tribes or the BIA reimburse the state for the cost of institutional care. No such contracts have yet been written.

In some states these problems have not arisen because state courts give "full faith and credit" to tribal court orders, as they would to orders of courts from other states. Although there is substantial case law which indicates that tribal court orders are entitled to full faith and credit, the U.S. Supreme Court has not ruled directly on this point. In the absence of such a ruling or of definitive federal legislation, each state must decide through its courts or through its legislature what recognition to grant to orders of tribal courts.[4]

In 1970, SRS instructed state child welfare agencies that they must work with tribal courts (where they have jurisdiction) in cases involving reservation Indians. Our research findings indicate that state/county agencies do not always notify tribal courts when placement arrangements are being made for reservation cases. SRS could investigate this problem and take additional steps to assure recognition of tribal courts, including compliance hearings if necessary.

Direct Funding to Tribes for the Operation of Child Welfare Programs

At present, federal funds for the support of child welfare services flow to states under Titles IV-B and XX of the Social Security Act. A basic policy choice must be made. Either states should be encouraged to pass some portion of these funds on to tribes and other Indian organizations, or the Social Security Act should be amended to permit SRS to fund Indian programs directly, thus bypassing state agencies.

A previous CSRD study found widespread approval for direct funding. Over sixty state, county, tribal, and BIA officials in eight states and on ten reservations were interviewed about legal and jurisdictional problems in the delivery of SRS child welfare services on reservations and about possible policy alternatives for resolving these problems. At the conclusion of the interviews, they were asked to choose the best and worst alternatives from a list of eleven options (see table 8-1). In all categories of respondents, the majority agreed that the worst alternative was the current structure. All responding state officials, two-thirds of the county respondents, 85 percent of the BIA respondents, and 90 percent of the tribal respondents preferred a system where tribes would be the major social service providers on reservations. State and county respondents were evenly divided between those who preferred tribal operation of services under contract from state agencies and those who preferred a direct federal-tribal relationship. Tribal officials were evenly divided between those who wanted a direct BIA-tribal contracting relationship and those who preferred a direct SRS-tribal funding channel. BIA officials who preferred tribal contracting unanimously opted for direct SRS-tribal funding.[5] Although these responses do not constitute a representative sample, they do suggest that there is surprisingly wide support for direct SRS-tribal funding, even among state and county officials who would be losing their responsibilities for social service programs on reservations.

There are five major arguments in favor of direct funding: (1) there is a strong constitutional, legal, and historical basis for direct federal-tribal relationships; (2) there are precedents for direct funding in CETA, community action programs, and other federal programs; (3) because states lack jurisdiction on many reservations, there are many barriers to large-scale state-tribal contracting or to direct provision of services on reservations by state and county personnel; (4) there is substantial evidence that many states

TABLE 8-1

SERVICE DELIVERY ALTERNATIVES FOR ON-RESERVATION INDIAN CHILDREN AND FAMILIES

Federal-State Systems	1. Deliver services through regular federal-state system with current funding patterns 2. Deliver services through regular federal-state system with increased funds through tribal participation in funding 3. Deliver services through regular federal-state system with additional federal share in funding for on-reservation Indians
Federal-Tribal Systems	4. Direct funding to individual tribes from SRS so that tribes might provide their own services or contract to have the services provided 5. Direct funding to individual tribes from BIA so that tribes might provide their own services or contract to have the services provided 6. Direct funding from SRS to statewide intertribal agencies to provide services to Indian residents of reservations 7. Direct funding from BIA to statewide intertribal agencies to provide services to Indian residents of reservations
Federal Systems	8. Federally operated in-house SRS programs for tribes (e.g., Indian Health Service within the U.S. Public Health Service) 9. Increased funding to the BIA and expanded BIA social service programs within the current BIA structure
Federal-State-Tribal Systems	10. Current federal-state funding patterns but state contracts with tribe to provide services for on-reservation tribal members 11. Increased federal share in funding to state and state contracts with tribe to provide services for tribal members on reservations 12. Other (specify)

have consistently resisted providing services to Indians on an equal basis and that most states have declined to consider the special problems of providing child welfare services to Indian families and children; and (5) direct funding would permit tribal governments to fashion service programs free of the constraints of state definitions and procedures and would allow them to be more responsive to the special needs of Indian communities. Since it is beyond the scope of this report to present these arguments in detail, HEW should consider supporting an effort to define the issues relating to direct funding and also should consider drafting legislation to implement direct funding.

One question that should be considered carefully is what programs should be funded directly. Many of the same arguments for direct funding of child welfare services could apply to direct funding of other human service programs. Also, it might be difficult to separate child welfare services from other programs. For example, it would be difficult to separate AFDC-FC from the remainder of the AFDC program or to divide Title XX into services for children and services for adults. Therefore, it is important to inventory the federal human service programs which are now serving Indians and to identify federal-state programs which could be funded directly.

A second issue would be the nature of the relationship between tribal and state governments after direct funding was implemented. Institutions, Title IV-B programs, and many services for children with special needs are supported primarily by state funds with very little federal support. Since Indians are citizens of the states in which they live, whether or not they live on reservations, presumably states would have a responsibility for providing these services on reservations. The details of how Indian children would be referred for services and how payments would be handled should be explored. Alaska and Oklahoma would need special attention, since substantial numbers of Native Americans do not live on reservations in these states. A careful study of the legal and jurisdictional responsibilities of state and tribal governments and Alaska Native organizations in these states would be required.

A third question would arise over the relationship between BIA social services and HEW social services, since coordination of BIA and HEW funding requirements would be necessary in order to permit tribes to use combined funds in a single service program.

Perhaps the most difficult issue would be whether direct funding should be limited to federally recognized Indian tribes, at least at first, or extended to off-reservation Indian groups, such as Indian centers. ONAP and CETA both fund off-reservation groups directly.

In conclusion, the capacity-building program described above is essential if direct funding is to succeed. It will certainly take time to work out answers to the questions raised here and for Congress to consider fully the question of whether direct funding should be enacted. This time should be used to build tribal management and planning capabilities.

PROGRAMS UNDER THE FEDERAL-STATE SYSTEM

A policy of improving and expanding the operation of child welfare service programs by tribes and Indian organizations within the current federal-state system raises at least as many difficult problems as direct funding. If Congress fails to enact direct funding, these problems must be confronted. For example, since states cannot sue tribes to recover funds spent in violation of the terms of a purchase-of-services contract, some means must be devised for handling problems arising from state-tribal contracts. Perhaps the federal government could deal directly with tribal governments in cases of audit exceptions. Whether the solution to such contracting problems would require new federal legislation would have to be explored.

Other problems would arise if states were encouraged or required to devote more of their Title IV-B and Title XX resources to serving Indians.and if they were required to write contracts with tribes and Indian organizations. In the past many states have been reluctant to provide child welfare and other social services to Indians on reservations. In some cases, this reluctance may amount to a pattern of discrimination which could be the basis for legal action. Rather than taking legal action, SRS could investigate the extent to which states have complied with the program instruction of 30 December 1974, which requires states to work with tribal courts in all cases involving reservation children and which encourages states to adopt special licensing standards for Indian day care and foster homes.[6] SRS might require that states specify in their Title XX state plans how Indians will be served. In this way states might be required to set aside a certain portion of their Title XX funds for services to Indians without the implementation of additional legislation.

Several measures could facilitate Indian participation in the Title XX planning process. For example, boundary lines of counties and substate districts could be revised so that they would not cut across reservations. Special programs could also be funded to train tribal officials and non-reservation Indian leaders to participate more actively in Title XX planning.

The Indian Desk in the state of Washington's Department of Social and Health Services is a good model for states that wish to serve their Indian citizens more effectively. Over the last three years this desk has succeeded in raising the consciousness of state, tribal, and urban Indian leaders about Indian child welfare issues. It has also made several constructive changes in regulations, procedures, employment of Indian staff, and delivery of services.

ADOPTION AND FOSTER CARE PLACEMENTS OF INDIAN CHILDREN

Most child welfare professionals feel that when an Indian child must be placed out of his own home it is most desirable for him to be placed with an Indian family, preferably a family from his own tribe. The prospects of achieving this goal are being improved by two related developments: (1) increased involvement by tribes and by Indian-run child welfare agencies in adoption and foster care cases, and (2) increased efforts on the part of many service providers to place Indian children in Indian homes. Policies concerning adoption and foster care placements should be targeted at strengthening these developments.

Involvement of Indian Agencies in Adoption and Foster Care

As tribes and other Indian organizations develop general child welfare service systems, it is important that they also develop specific programs in the areas of foster care and adoptions. There are already several examples of such programs. The Yakima Nation operates Project Ku nak we sha', which is licensed to place children within the state of Washington, the Seattle Indian Center is licensed as a child-placing agency, and the Native American Family and Children's Service of Minneapolis will be licensed once it receives additional funding. Because of the attention that has been given to the problem of placements in non-Indian homes, a special effort by tribal, federal, state, and private agencies to set aside funds for licensed Indian-run child-placing agencies should be considered.

The number of Indian children taken from their parents might be reduced by advocacy services for parents. Evidence from field research suggests that there is often misunderstanding between parents in this difficult situation and child welfare agencies. Many agencies reported problems of communication with Indian clients, mistrust of agencies by Indians, and inadequate understanding by agency personnel of tribal cultures, family organization, and child-rearing patterns. In Chicago, four families being interviewed about their experiences in dealing with the welfare department volunteered the information that they never told social workers of family problems because of their fear that the social workers would take their children away. Organizations like welfare rights committees can have a positive influence on increasing communication between agencies and clients.

Indian child welfare advocates could also be effective in avoiding abuses and misunderstandings between Indian families and agency social workers by providing counseling and referral services to families and informing them of their rights in dealing with welfare agencies and with the courts. The experiences of the Native American Family and Children's Service in Minneapolis show that state court judges are willing to respect lay advocates' understanding of the circumstances surrounding cases and may often follow advocates' guidance in seeking alternatives to termination of parental rights. Once established in Indian communities, these advocacy programs can become the nuclei for the development of Indian-staffed and Indian-controlled licensed child-placement agencies.

In view of the existence of Indian-run child-placing agencies, the Bureau of Indian Affairs should consider terminating its contract with the Child Welfare League of America for the operation of the Adoption Resource Exchange of North America. The placement record of ARENA does not show that it is now placing Canadian and American Indian children with families that can make a legitimate claim to be Indians. Furthermore, the ARENA record of placing only fifteen American Indian children a year since 1972 should raise questions about the value received for the BIA's annual expense of $30,800.[7] These funds might be better used in the support of an additional Indian-run child-placing agency or the establishing of a national Indian-operated organization which could provide technical assistance, training, and information for existing and new Indian-run child-placing agencies. To the extent that there is a valid need for intertribal, interstate, or international adoptions of Indian children, Indian-run agencies can arrange such adoptions either by working directly with each other or by participating on the same basis as other member agencies of the Child Welfare League's North American Center on Adoptions.

In those cases where Indian children are being placed by non-Indian agencies, Indian homes or alternatives to out-of-home placements are more likely to be found when tribal governments and off-reservation Indian organizations are involved in the placement process. Evidence gathered from field research suggests that many local agencies are not observing recent SRS program instructions which require the involvement of tribal courts in placements of reservation children. Investigation of this evidence and enforcement of these instructions would be appropriate. An additional forward step would be a requirement in federal and/or state regulations that officials or staff of tribal governments or of Indian agencies in off-reservation areas be contacted prior to the placement of Indian children. An overwhelming majority of respondents to CSRD's survey favored such a policy. In its state regulations, Washington has recognized that Indian children should be placed in Indian homes whenever possible and has provided specific procedures to insure that public and private child-placing agencies look for Indian families before placing Indian children with non-Indian parents. Other states could adopt similar regulations, and HEW could use its considerable powers of persuasion and regulation to urge states in this direction.

Perhaps the most difficult problem is the question of what if anything should be done about Indian children who have already been adopted by non-Indian parents or who have been in long-term foster placements with non-Indian families. A joint review of each long-term foster placement by the appropriate tribe, BIA agency, and state would be an expensive but effective means of insuring that these children are enabled to maintain contact with their tribes or are returned to them if this would be in their best interests. Many tribes have already had to deal with adoptive parents who are seeking Indian scholarships and per capita payments for their adopted Indian children and with Indian children who return to their reservations to seek their tribal identities. In some cases special programs for children who are caught between two cultures may be necessary.

Efforts to Place Indian Children in Indian Homes

It has been demonstrated in many places that tribes, Indian-run agencies, counties, BIA agencies, and private agencies can recruit Indian adoptive and foster parents by hard work at the local level. Continued efforts in this direction are essential.

It is also important to remove barriers to the recruitment and licensing of Indian foster and adoptive families. One such barrier is licensing standards, which are often inappropriate for Indian communities. On reservations not subject to PL 280, it is the responsibility of tribal governments to develop and enforce appropriate standards. In other areas, state standards are in force. SRS has taken a strong position favoring special standards for Indians and has suggested that such standards might be required in some circumstances.[8] But few states and fewer county offices reported that they use any special standards for Indian families. It would be appropriate for states to increase their efforts to comply with the SRS policy and for SRS to investigate the situation and take necessary enforcement steps.

A second compliance issue arises over whether relatives can receive AFDC-FC payments. A 1974 SRS program instruction stated that relatives should receive such payments, which are usually higher than the usual AFDC allotment for an additional child, and cited several court decisions in support of this position.[9] Data from this study show that few states and fewer local agencies are abiding by this policy.

A program of subsidized adoptions could also be effective in increasing the number of Indian families who can afford to adopt a child. Where subsidies are not available, it may be preferable to leave a child in a long-term foster placement with an Indian family rather than let him be adopted by a non-Indian family which lives off the reservation.

The L.D.S. Indian Student Placement Program

The Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints is responsible for a substantial fraction of all placements of Indian children in non-Indian homes. Although this program uses the foster care mechanism, it also has educational and religious goals. While there has been no systemmatic evaluation of this program, the information contained in two studies which have been done raises some serious questions about its effect on the cultural identity and emotional well-being of the participants.[10]

Therefore, tribal governments may wish to reconsider the desirability of recruitment of tribal children by the program. Although no federal funds are expended in support of this program, Congress did pass legislation allowing foster families participating in the program to take an income-tax deduction, and it may wish to reexamine this action.[11]

TRIBAL CULTURES AND INDIAN CHILD WELFARE

Ignorance of tribal cultures, especially of such matters as the importance of the extended family and clan systems and of tribal child-rearing practices and norms, have too often resulted in situations where the delivery of child welfare services weakens rather than strengthens Indian families and alienates Indian children from their tribal cultures. The social work profession, tribal governments, and the federal government should all give special attention to the implications of tribal culture for the delivery of child welfare services.

Although this project did not include a study of tribal family structures and child-rearing practices and their implications for child welfare services, such a study is needed. It should give proper attention to the substantial differences among tribal cultures and to the fact that tribal cultures are dynamic and can act as changing forces in people's lives. Such a study would provide a valuable basis for the design of curricula focusing on tribal cultures and their implications for the operation of human service programs. No such curricula currently exist, even at the nine schools of social work that have made major commitments to recruit Indian graduate students and hire Indian faculty.[12] It is essential that all social workers who may need to deal with Indian families and their children should be knowledgeable about tribal cultures.

Tribal governments must also give their attention to the relationship of tribal cultures to child welfare services. In many cases, tribal governments are fully occupied with such matters as economic development, natural resources, employment, and the broad range of tribal programs. However, as tribes build social service programs and become major providers of child welfare services, they will have to define acceptable standards of behavior in such matters as child abuse and neglect and in the area of extended family and biological parental responsibility towards children.

One of the goals of the Social Security Act is the preservation and strengthening of the family, and Indian family structures include members of the extended as well as the nuclear family. HEW could provide valuable leadership to child welfare agencies and staff by explicitly recognizing in regulations and policy statements that the goals of the Social Security Act are to be interpreted as applying to the extended family system.

UNMET NEEDS

Because of many legal, political, and administrative problems, child welfare services are often not available to Indian children and families who need them. When services are available, they may be inappropriate to the particular needs of Indian communities. Thus, it is essential that appropriate services be made available and that there be substantial Indian involvement in the administration and delivery of services.

Federal requirements (and state requirements, where they are relevant) must be flexible enough to allow the delivery of services which are needed by Indian families and children. In the area of child welfare, preventive programs which strengthen family and community institutions and provide employment, recreation, cultural enrichment, and other meaningful activities for children and families are a major need. Also needed are programs which are specifically aimed at combating family disorganization.

Group homes and emergency shelters for youth and twenty-four-hour temporary shelters for young children are also necessary. At present, BIA boarding schools are widely used to place Indian children with family or social problems because no similar resource is available on reservations. Boarding schools must recognize that they are an important part of the child welfare as well as the educational system. Because of this dual role, their counseling and guidance staff and their programs for children with emotional or behavioral problems must be substantially strengthened. Placement programs should also be developed in Indian communities, while programs to provide services to children who return to their homes from boarding schools are also needed.

SUMMARY

Federal policies should support the planning, management, and delivery of child welfare services by tribal governments and by Indian organizations off reservations. There is widespread support for an amendment to the Social Security Act to permit direct funding of tribal programs under Titles IV-B and XX, and there are strong historical and legal, as well as practical, arguments for such legislation. The alternative is to find ways--through new legislation, the enforcement of existing federal law, and federal leadership--to encourage and require that states provide child welfare services to Indians without discrimination and with respect for tribal cultures and that states contract with tribes for the delivery of services. Programs to build the capacities of tribal governments and other Indian-run organizations in the field of child welfare are essential, whether the direct funding alternative or the federal-state-tribal alternative is chosen. Specific areas for policy change and the means by which changes might be made are listed below:

I. Operation of Programs by Tribal Governments and Indian Organizations

   A. Federal Support for a Variety of Capacity-Building Activities

      1. A series of federally supported projects to develop and evaluate a variety of models for the operation of child welfare services by tribes, intertribal councils, and other Indian organizations

      2. Capacity-building grants focused on strengthening the planning and management capabilities of tribal governments and Indian organizations in the area of child welfare and child welfare-related services

3. Establishment of a national clearinghouse for Indian child welfare issues: to provide technical assistance and information to tribal and off-reservation programs, to prepare training materials and curricula, to monitor the development of Indian child welfare programs and supportive federal policies, and to define additional issue areas

4. Adjustment of requirements in contracts with tribes and Indian organizations to allow more flexibility in designing and operating programs which are responsive to cultural differences and to the special needs of Indian communities

B. Tribal Courts and Tribal Codes

1. Continued support for the development of juvenile codes by tribal governments

2. Federal (or state) legislation requiring that state courts and state agencies give full faith and credit to tribal court orders

3. Investigation by SRS of whether state agencies are contacting tribal courts in cases involving reservation Indian children, as required by recent program instructions; enforcement as required

C. Direct Funding

1. Detailed analysis of means to permit direct funding of Title IV-B and Title XX programs--and possibly other social service and financial assistance programs--by HEW directly to tribal governments

   a. Inventory HEW programs and identify programs for possible direct funding

   b. Analysis of precedents for direct funding and of possible funding mechanisms

   c. Define possible funding levels and implementation plans

d. Prepare draft federal legislation permitting direct funding

2. Analysis of direct funding mechanisms applicable to Oklahoma and Alaska based upon a study of legal and jurisdictional responsibilities of tribal governments in Oklahoma and in Alaska Native corporations and associations

3. Analysis of direct funding mechanisms applicable to urban areas and other off-reservation areas

4. Analysis of possible relationships between programs operated by tribes and Indian organizations with direct federal funding and programs which are operated and financed by the states, such as state institutions

5. Joint planning by HEW, BIA, and tribes to coordinate social service program requirements to facilitate use of these funds for comprehensive local programs

D. As an Alternative to Direct Funding, Support Operation of Programs by Tribes and Indian Organizations Within the Present Federal-State Structure

1. Analysis of legal, financial, and other barriers to state-tribal contracting; design of legislation or other means to overcome barriers

2. HEW action to enforce statewideness provisions of Title IV-B and to insure nondiscrimination in allocation of Title XX resources, possibly including specific requirements that states set aside a certain fraction of their Title XX funds for services to Indians

3. Revision of boundary lines of counties and substate districts to conform to reservation boundaries

4. Establishment by state agencies of in-house Indian advocacy desks, modeled on the Washington Indian Desk

II. Adoption and Foster Care Placements of Indian Children

A. Increased Involvement by Tribal Governments and Indian-Run Agencies in Placements

1. Funding to support the further development of existing Indian-run child welfare programs and establishment of more Indian-run licensed child-placement agencies to permit licensing of these programs as child-placing agencies

2. Support for Indian child welfare advocate programs, with career ladders leading to professional training for staff advocates

3. Replacement of the BIA contract for the ARENA project by a contract with an Indian-run agency to provide interstate placements where necessary and to provide technical assistance for the development of Indian-run child-placing agencies

4. Requirement by state regulations that officials or staff of tribes or of off-reservation Indian organizations be notified prior to the placement of Indian children in foster or adoptive homes

5. Enforcement by SRS of the requirement that state or county agencies notify tribal courts of all cases involving tribal children; clarification of the 1974 program instruction to specify that this applies to cases where tribal children are temporarily off reservations as well as to children on reservations

B. Increased Efforts to Place Children with Indian Families

1. Increased efforts at the local level to recruit Indian foster and adoptive families

2. The drafting of special standards for Indian foster and adoptive homes; on reservations where tribes have jurisdiction to approve or license homes, tribes should draft standards; elsewhere, states should work with tribes and Indian organizations in drafting such standards

3. Enforcement by SRS of the 1974 program instruction regarding standards for Indian foster and day care homes

4. Explicit recognition in federal and state regulations of the desirability of placing Indian children in Indian homes, preferably with a family from their own or a related tribe. Regulations of the Washington Department of Social and Health Services are a possible model

5. Expanded subsidized adoption programs

6. Joint review by BIA, states, and tribes of all cases of Indian children in long-term foster care; formulation of plans to return Indian children from non-Indian homes to their tribes where such action is appropriate

C. L.D.S. Indian Student Placement Program

1. Review by affected tribes of their participation in this program

2. Review by Congress of tax exemptions granted to foster parents in this program

III. Tribal Cultures and Child Welfare Services

A. Research to Define the Implications for Child Welfare Services of Features of Several Tribal Cultures, Including Child-Rearing Practices and Family Structures

B. Development of Curricula for Schools of Social Work on Indian Tribal Cultures and Their Implications for the Operation of Social Service and Other Human Service Programs

C. Definition by Tribal Governments of Standards of Acceptable Behavior in Child-Related Matters; Inclusion of These Standards in Tribal Ordinances and Tribal Codes, as Appropriate

D. Federal Regulations Stating that the Goals of the Social Security Act Should be Interpreted in Indian Child Welfare Matters to Encompass the Preservation and Strengthening of Family Structures, Including the Extended Family

IV. Preventive and Supportive Services

A. Things for Children and Youth to Do--Jobs and Vocational Training Programs, Recreational Facilities and Programs, Cultural Programs, and Community Activities. Youth Workers and Programs, Like Those of the Traditional Settlement House, Are Needed

B. Flexibility in Federal-Tribal or State-Tribal Contracts to Permit Tribes to Use Funds to Support the Programs Listed Above, As Well As More Traditional Social Service Programs

C. Programs to Deal with Family Problems and with the Weakening of Traditional Family Structures

D. Group Homes and Emergency Shelters for Youth

E. Temporary Twenty-Four-Hour Child Care Programs

V. Boarding Schools

A. Recognition by BIA Boarding Schools that a Primary Part of Their Mission is to Provide Services to Children with Family and Behavioral Problems

B. More Professionally Trained Counseling and Guidance Staff at Boarding Schools; In-Service Training for Current Professional Staff

C. On-Reservation Alternatives to Boarding Schools, Such as Group Homes, Preventive Programs, and Youth Workers

APPENDIX:
METHODOLOGY OF THE STUDY

INTRODUCTION

The research project which served as the basis for this report was broadly defined as a "state-of-the-field study of Indian child welfare." Research tasks were grouped into three main categories:

1. A literature review

2. A broad national review of child welfare services supplemented by in-depth reviews of child welfare services and needs at selected reservation and off-reservation sites

3. A survey of Indian-relevant graduate social work education programs and of Indian social work faculty, students, and graduates

Since both the literature review and the survey of Indian-relevant graduate social work education were published as separate documents, this report includes only enough of the data from the social work education survey and the literature review to amplify and support field findings.* Only a summary of the methodology for these two components appears here, and the main body of this appendix refers to CSRD's national review of child welfare service systems.

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*See John Compton, Social Work Education for American Indians (Denver: Center for Social Research and Development, Denver Research Institute, University of Denver, forthcoming); and Ellen L. Slaughter, Indian Child Welfare: A Review of the Literature (Denver: Center for Social Research and Development, Denver Research Institute, University of Denver, January 1976) for more extensive descriptions of the methodology used in these surveys.

LITERATURE REVIEW

The literature review discusses the historical development and current status of the service delivery system, relevant cultural factors bearing on policies and procedures, specific issues and problems with various aspects of the system, and recent innovative approaches. Wherever possible, conclusions and policy implications were drawn.

All of the available materials on Indian child welfare matters written since 1950 were examined, including specific child welfare service areas, Indian family life and child-rearing practices, problems of Indians in urban areas, legal-jurisdictional issues, the history of federal and state policies toward Indians, discussions of counseling and casework with Indians, and discussions of general issues in the field of child welfare. Over 140 sources are included in the bibliography of the review.

Materials were obtained from a wide variety of sources. Six libraries (two of which specialized in Indians) were searched for relevant items. Four computerized indexing and abstracting systems were searched, and three other indexes were searched manually. Six published bibliographies and bibliographic references in reports obtained for the review were also searched.

In order to gather unpublished materials (such as project reports, evaluation reports, project proposals, and memorandums), a large number of agencies and persons familiar with Indian child welfare matters were contacted. Personal visits were made in fifty cases, and telephone contact was made in thirty cases. The majority of the contacts were with DHEW and BIA personnel, but several university projects, a number of private organizations, Indian child welfare projects, and religious groups providing child welfare services to Indian were also contacted. Because many documents about particular projects were made available by federal offices, direct contact was not always necessary.

MAIL SURVEY OF INDIAN-RELEVANT GRADUATE SOCIAL WORK EDUCATION

The social work education survey contacted four respondent groups: (1) accredited U.S. graduate schools of social work;

(2) currently enrolled Indian MSW students; (3) Indian MSW graduates; and (4) Indian faculty at the accredited graduate schools of social work. An effort was made to compile a list of all possible respondents in each subgroup and then to include them in the survey.

The list of graduate schools of social work was obtained from the Council on Social Work Education's directory of accredited graduate schools.* Each of these schools received a questionnaire asking about programs and policies relevant to Indian social work education, and each school was asked to provide data on current Indian MSW students, Indian MSW graduates, and Indian faculty (e.g., numbers and names and addresses).

These lists were the primary means of locating the three Indian respondent groups. Other sources, such as a list of the Association of American Indian Social Workers, were used to supplement these lists. After the lists were finalized, the three respondent groups were then sent questionnaires which asked about their graduate educational experiences. Table A-1 lists the questionnaires sent and returned for each of the respondent groups.

The mail questionnaires were accompanied by a cover letter of introduction and explanation, a two-page summary of the project's design and purpose, and a stamped preaddressed return envelope. Both follow-up post cards and telephone calls were made in an effort to increase response rates.

Separate self-administered questionnaires were designed for each of the four respondent groups. However, some of the questions were the same for each of the three Indian respondent groups so that comparisons of their perceptions about social work education could be made. All groups were asked questions about course content and field experiences, supplemental and supportive educational services (recruitment, financial assistance, and job placement services), perceptions of the usefulness of their social work educational experience, and suggestions for needed changes.

Descriptive statistics were used to compile pictures of the social work education system for Indians and how it relates to

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*Council on Social Work Education, Schools of Social Work with Accredited Master's Degree Programs (New York: Author, July 1975).

TABLE A-1

SOCIAL WORK EDUCATION QUESTIONNAIRES SENT AND RETURNED

Respondent Category	Number of Questionnaires Sent	Number and Percentage of Completed Questionnaires	
Graduate schools of social work	84	54	64%
Current Indian MSW students	68*	19	28%
Indian MSW graduates	67**	26	39%
Indian faculty	19	10	53%

*The schools responding reported a total of ninety-two Indians currently enrolled as MSW students; however, identifying information (e.g., name and address) was only provided for sixty-eight of the ninety-two.

**The school responses and directory lists indicated a total of eighty-four MSW Indian social workers; however, only sixty-seven of these persons could be located.

Indian child welfare issues, as well as respondents' perceptions of problems, benefits, and recommendations for change.

BROAD REVIEW OF CHILD WELFARE SERVICE SYSTEMS SUPPLEMENTED BY IN-DEPTH REVIEWS OF CHILD WELFARE SERVICES AND NEEDS AT SELECTED RESERVATION AND OFF-RESERVATION SITES

Four major tasks were undertaken during this aspect of the project.

1. A nationwide mail survey of the policies, practices, and perceptions of service providers with special reference to problems and service needs in Indian child welfare was made
2. A field survey of child welfare service patterns and service delivery at twelve reservation and seven off-reservation sites was completed
3. Household surveys requesting child welfare-related information from a sample of Indian families at one reservation and one off-reservation site were made
4. In-depth case studies of the Indian child welfare programs of seven agencies were made

Respondents and Data Collection Procedures

Mail Survey. Mail questionnaires were sent to a number of different people: (1) to administrators of child welfare divisions in state agencies having responsibility for child welfare service provision in twenty-two states and to administrators of state agencies having responsibility for children in institutions in those same states;* (2) to all Bureau of

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*Twenty of these twenty-two states had the greatest percentage and/or absolute number of Indians in their populations. Although Maine and Mississippi did not meet these criteria, they were included because field sites were selected within their boundaries. The twenty-two states included in the mail survey were: Alaska, Arizona, California, Illinois, Maine, Michigan, Indian Affairs and Indian Health Service area social workers; (3) to the directors of a sample of Bureau of Indian Affairs boarding schools on the Navajo Reservation and to all other BIA boarding school directors; (4) to the directors of selected national Indian organizations and intertribal associations and to the directors of private non-Indian agencies; and (5) to chairmen of selected tribal councils. The specific national Indian groups, tribal councils, and private non-Indian agency headquarters were selected by Indian staff members because they were known or thought to deal with Indian child welfare concerns and/or services.

The directory of the American Public Welfare Association was used to identify state agencies responsible for child welfare and for children's institutions, while booklets obtained from the BIA and IHS were used to identify BIA and IHS area offices and BIA boarding schools. The National Indian Directory, compiled by the National Congress of American Indians, was used as a source for regional and national Indian organizations, intertribal councils, and tribal councils.* Several sources, including the ARENA membership list and staff members' personal knowledge, were useful in locating private non-Indian agencies.

Questionnaires and a cover letter of introduction and explanation, a two-page summary of the project's design, purposes, and methodology, and a stamped preaddressed return envelope

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Minnesota, Mississippi, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. Theodore W. Taylor's, The States and Their Indian Citizens (Washington, D.C.: GPO, 1972), pp. 76-77 provided a list of the twenty states with the largest Indian populations.

*Perry Frank, ed., 1975 Public Welfare Directory (New York: American Public Welfare Association, 1975); U.S., Department of the Interior, "Directory of Central and Field Offices, Bureau of Indian Affairs," mimeographed (n.p.: January 1975), pp. 5-20; U.S., Department of Health, Education, and Welfare. Public Health Service, Health Services and Mental Health Administration, The Indian Health Program of the U.S. Public Health Service (Washington, D.C.: GPO, 1973), p. 36; and National Congress of American Indians, National Indian Directory, 3d ed. (Washington, D.C.: Author, 1975).

were then mailed. Follow-up post cards were sent to nonrespondents four weeks after the questionnaires were mailed. Three weeks later additional follow-up phone calls were made as time allowed to respondents who still had not returned questionnaires. The number of questionnaires sent in each of the respondent categories and the number of completed questionnaires appear in table A-2.

Mail response rates for some categories of respondents were fairly low, in spite of telephone followups. The highest response rates were received from the three types of agencies which are most directly involved in child welfare services to Indians--state social services agencies, BIA area offices, and IHS area offices. Other categories of respondents may have been less likely to respond because they are less directly involved with Indian child welfare services, or perhaps the length of the questionnaires and the amount of detailed information requested partially caused low response rates.

Since few states have unified departments of institutions, all of the state agencies responsible for institutions serving children may not have been correctly identified, despite the use of the American Public Welfare Association's directory. Project staff were told that BIA boarding schools tend not to respond to questionnaires, since they have been studied a great deal in recent years. Since project staff were asked to make both initial and follow-up contacts with the schools indirectly by way of the BIA area directors of education, specific reasons for nonresponses are unknown.

Except for tribal councils, the lower response rates were high enough (about 40 percent) for conclusions and implications to be drawn. However, caution should be exercised in interpreting the data because nonresponses may have been related to the type of information sought. For example, if agencies and institutions which serve Indians tended to respond and those not serving Indians tended not to respond, the findings would overestimate the amount of services of the special attention being given to Indians.

Field Survey. The field survey of service patterns and service delivery-related considerations was conducted at twelve reservation sites and seven off-reservation sites. Since sites were purposely chosen to include a variety of circumstances, the findings of the field survey should not be interpreted as being representative of all reservations.

A random sample was not chosen for two reasons. First, it would not have increased the generalizability of the results due to the small number of sites in relation to the universe

TABLE A-2

MAIL QUESTIONNAIRES SENT AND RETURNED

Respondent Category	Number of Questionnaires Sent	Number and Percentage of Completed Questionnaires	
Child welfare divisions of state agencies	22	17	77%
Institutional divisions of state agencies	65	28	43%
Bureau of Indian Affairs area offices	12	10	83%
Indian Health Service area offices	8	6	75%
Bureau of Indian Affairs boarding schools	35	16	46%
Regional and national Indian organizations and intertribal councils	34	15	44%
Tribal councils	22	5	23%
Private non-Indian agencies	46	17	35%

of over two hundred reservations. Second, a random sample might have consisted of very similar sites, e.g., small reservations in non-PL 280 states, which would not have yielded information on the broad range of reservation service delivery patterns.

Within each category sites were selected after project staff members assessed the probability of success in gaining access to the sites, their political climates, and the amount of research already conducted at the sites over the years.

Off-reservation sites were selected using the following criteria:

1. Nationwide geographic balance, insofar as possible, while meeting the range of other criteria listed below

2. Inclusion of off-reservation sites of varying sizes and Indian population distribution patterns (e.g., concentrated and dispersed Indian populations in rural areas, medium-sized cities, and major metropolitan areas)

3. Inclusion of off-reservation sites with different residence and migratory patterns (e.g., locations with stable resident Indian populations, locations with transient Indian populations, and locations with both)

4. Inclusion of off-reservation sites where Indians are the predominant minority, as well as sites where Indians are one among a number of minority groups

5. Inclusion of two off-reservation sites which have never had reservation status but where the Indian population has had a trust relationship with the federal government and has received services from the Bureau of Indian Affairs and the Indian Health Service

6. Inclusion of one area which formerly had reservation status but which was terminated and subsequently has had nonreservation status

Reservation sites were selected using the following criteria:

1. Nationwide geographic balance, insofar as possible, while meeting the range of other criteria listed below

2. Inclusion of reservations with small, medium, and large land bases

3. Inclusion of reservations with small, medium, and large resident tribal population bases

4. Inclusion of reservations representing the range of possibilities with respect to jurisdictional status and service delivery arrangements (e.g., federally recognized tribes under PL 280 and non-PL 280 circumstances; tribes on state reservations; tribes having contracts with state agencies; reservations receiving services through state/county systems; and reservations receiving services from the Bureau of Indian Affairs)

5. Inclusion of reservations with varied levels and forms of tribal involvement in child welfare issues and service delivery

6. Inclusion of reservations with a range of problems (both in type and in degree) that have service implications, as well as reservations with a variety of model or innovative approaches to child welfare service systems for reservation Indian families and children

7. Inclusion of one previously terminated tribe which is now making the transition back to reservation status

The nineteen sites selected were:

Off-reservation and Nonreservation Sites

Chicago, Illinois
Hammon area, Oklahoma
Klamath area, Oregon
Kotzebue, Alaska
Phoenix, Arizona
Rapid City, South Dakota
Seattle, Washington

Reservation Sites

Choctaw (Mississippi)
Crow (Montana)
Leech Lake (Minnesota)
Menominee (Wisconsin)

Navajo (two sites on one reservation: Window Rock,
Arizona and Ramah, New Mexico)
Passamaquoddy (two reservations: Indian Township and
Pleasant Point, Maine)
Turtle Mountain (North Dakota)
Zuni Pueblo (New Mexico)

Potential respondents at each site were identified through telephone calls to site contact persons who were known to project staff. For the off-reservation and nonreservation sites, interviews were sought with the following persons and/or their designees at each site: directors of Indian centers and/or other Indian organizations active with Indian children in the area, directors of county social services agencies; BIA and IHS social workers; directors of day care and group care facilities primarily serving Indian children; judges of member courts of state court systems having responsibility for child welfare-related cases; directors of legal services programs; county and/or city police; directors of private non-Indian child welfare agencies actively involved with Indian child welfare cases; and superintendents of schools. Not all of the potential respondents were present at each site. For example, some off-reservation sites had no Indian centers and/or group or day care facilities primarily serving Indian children, and most had no BIA or IHS agencies.

For the reservation sites, interviews were sought with the following persons and/or their designees at each site: tribal chairmen; directors of tribal social services programs; Bureau of Indian Affairs social workers; Indian Health Service social workers; directors of county social service agencies; directors of any day care or group care facility on the reservation or primarily serving children from the reservation; directors of legal services programs; tribal court judges; tribal police; judges of the relevant member courts of the state court system; local (city and/or county) police; and directors of private non-Indian child welfare agencies actively involved with children from the reservation.

As was true of off-reservation sites, not all of the potential respondents were present at each reservation site. For example, a few reservations were not within the service boundaries of a legal services program, some had no Bureau of Indian Affairs social workers, and most did not report having any private non-Indian child welfare agencies which were active with reservation children. As was also true of the off-reservation sites, interviews were sought with as many of the listed potential respondents as were present at each selected reservation site. Respondents interviewed for the reservation and off-reservation sites are listed by category in tables A-3 and A-4.

TABLE A-3

RESPONDENTS FOR OFF-RESERVATION SITES

Type of Respondents	Number Interviewed
Indian centers and other Indian organizations or agencies active with Indian children in the area	13
County social service agencies	8
BIA agencies	2
IHS facilities	5
Day care centers	9
Group care facilities	3
Private non-Indian child welfare agencies	7
Legal services programs	8
School superintendent	14
Member courts of state court systems	6
County and/or local police	13
TOTAL	88

TABLE A-4

RESPONDENTS FOR RESERVATION SITES
Total Number of Reservation Interviews: 112

Type of Respondents	Number Interviewed
Tribal chairmen	7
Tribal social service agencies	8
BIA agencies	7
IHS facilities	9
County social service agencies	14
Day care centers	9
Group care facilities	8
Private non-Indian agencies	3
Legal services programs	10
Tribal courts	7
Member courts of state court systems	8
Tribal police	9
County and/or local police	9
Other tribal service-related agencies	4

A letter and two-page summary of the project's plan, which were sent to the potential respondents for the field study, notified them of the study and requested their participation. Letters were followed by phone calls so that interview appointments could be set up prior to the arrival of the interviewers. When necessary, clearance was sought from administrative agencies and/or tribal governing bodies prior to making contacts at the sites. In all cases, tribes, state departments of social services, and Bureau of Indian Affairs and Indian Health Service area offices were notified of intended activity at the local sites prior to initiation of activity.

A total of 214 persons were asked to participate as respondents in the field survey. Of these, 200 responded affirmatively and were interviewed. Fourteen were not interviewed, either because of outright refusals to participate (6 individuals) or because of stated scheduling problems which kept them from meeting with the field interviewers during site visits (8 individuals). Nine of the 14 potential respondents who were not interviewed were tribal council persons and state court judges. Two sheriffs, 1 legal services director, 1 Indian center director, and 1 person in charge of a private non-Indian child welfare placement program located on a reservation were also not interviewed.

Indian employees and consultants of CSRD, Indian graduate research assistants from the University of Denver Law School and University of Denver School of Social Work, and Indian staff of Southwestern Indian Development conducted interviews. A two-day training session was conducted by CSRD staff for all of these interviewers.

Household Surveys. A small number of Indian families at each of two sites (the Chicago-Uptown off-reservation site and the Fort Berthold Reservation site) were interviewed regarding their perceptions and experiences with respect to child welfare services and the needs of Indian families. Originally the Zuni Pueblo was selected as the reservation site. However, shortly before the household survey at Zuni was to begin, permission to conduct it was withdrawn. It has been suggested in light of this experience that successful conduct of a survey on a reservation requires that the research team have: (1) political support of the tribal council; (2) knowledge of local service networks; and (3) local representatives present on the site who can work with service providers and discuss problems as they develop. Some reservations have elaborate review procedures for all data-gathering efforts.

At both sites the criteria for inclusion of a specific household were that the family regard itself as Indian and that children under eighteen years of age reside in the household. Interviews were conducted with individuals within the household who identified themselves as having a primary child-rearing responsibility. Forty-seven households were included in the Uptown sample, and fifty were included in the Fort Berthold sample.

Random sampling was not done at either site because a census of households with children was not available for either site, and budget and time constraints did not allow the preparation of a census. Two types of sampling techniques were used. At Fort Berthold, where a quota sampling procedure was devised, a certain number of interviews were conducted in each of six small communities on the reservation, as well as in open-country areas of the reservation. The number of interviews per subsite was roughly proportional to the total number of households per subsite (determined by housing figures available from the tribal housing authority). After a random start, interviewers were instructed to go to each fourth house until their quota for that location was filled. If a potential respondent was not at home, interviewers were instructed to go to each subsequent house until they found someone at home who had children in the household. Most interviewing was done during the day, which probably somewhat biased the sample against households where all adults worked. Interviewers were housewives from the reservation, and all were Indian. They were trained and supervised by an Indian member of the project staff who was from Fort Berthold. Only one potential respondent refused to be interviewed, and all who participated remained in the interviewing process until their questionnaires were complete.

In Chicago, 1970 data were used to identify those tracts in the Uptown section which had Indian populations which were both over 2 percent of the total population of the tract and also over one hundred individuals. Five tracts in the Uptown section met both of these criteria. However, the two which were multiracial and the most "unsettled" were not included when actual sampling was done because interviewers (all of whom were Indian persons employed in human service agencies in Uptown) were concerned about the safety of going from door to door in these tracts. The omission of these two tracts probably biased the sample by leaving out areas where families may have been more transient and where more and different child-related problems, as well as differing attitudes toward possible helping resources, may have been present.

A convenience sample was drawn from the remaining three tracts. In these tracts, although there was little difficulty in identifying which households were Indian, there was difficulty in finding people at home. Some callbacks were made, but because of budgetary and time limitations, most of these houses were dropped from the sample. The interviewer then went on to the next household with identified Indian residents. This procedure obviously biased the sample against persons who were most often not at home, whether they were employed, transient, or "unsettled." In spite of the ambiguity, interviewers felt that the sample tended to leave out more transient and less "established" families.

Five potential respondents in Chicago refused to be interviewed, and three who agreed to be interviewed terminated their interviews so soon that they were excluded from the sample when the data analysis was begun. In addition, 28 percent of those who were interviewed and who answered a substantial portion of the questions did not complete the entire interview. Usually these people stated that they needed to leave for appointments. In these instances, interviewers called back but found respondents unwilling to complete their interviews.

Many reasons could be suggested for the different drop-out rates for the Uptown (28 percent) and Fort Berthold (0 percent) samples. Since urban respondents were generally more militant, they might have been less willing to participate in a research effort which they perceived as having dubious value. In addition, different types of interviewers were used at the two sites. At Fort Berthold all of the interviewers were local housewives who were known to the respondents, and the survey was supervised by a CSRD staff member from the reservation. Perhaps Fort Berthold respondents felt either greater trust (although some did say that they felt "checked up on" and wondered if responding would get them into trouble) or perhaps a fear of being rude to a friend or neighbor. Although the Chicago interviewers were Indian, they had only occasionally been previously acquainted with the respondents, they were seldom from the same tribe, and they were associated with formal (albeit Indian) agencies in the community. Since they were also trained as service providers, they may have felt uncomfortable when confronted by problems which they were not to attempt to help solve. This discomfort may have been communicated to the respondents. However, it should be noted that the Uptown interviewers, who were thoroughly familiar with the neighborhood, were surprised not so much by the drop-out rate but by the response rate, which exceeded their expectations.

In summary, project staff felt that in spite of the surveys' limitations they indicated the feasibility of undertaking larger household surveys so that statistical inferences could be made. In planning future surveys, several points should be kept in mind: (1) from a practical standpoint, actual surveying is far easier to carry out on a reservation than in a multiracial inner city environment; (2) in the absence of a preexisting census of households with children, it would require a considerable expenditure of money and effort to carry out a random sampling procedure, or even a systematic quota sampling procedure, in a congested inner city area; (3) the use of Indian interviewers from the local community who are preferably known to the respondents appears to be very important; (4) if interviewers are trained for the survey effort, they do not need to be professionals; and (5) while the correct use of the nondirective approach elicited much detail and many spontaneous explanatory comments, it is difficult for some interviewers, especially nonprofessionals, and should perhaps be replaced by preworded questions.

Case Studies. The case study component of the project included in-depth reviews of seven agencies or programs with particular relevance to Indian child welfare issues. Four case studies focused on programs involving out-of-home placements of Indian children, including the Indian Student Placement Program of the Church of Jesus Christ of Latter-day Saints (Mormon Church), the Adoption Resource Exchange of North America (ARENA), the Indian Adoption Program of the Jewish Family and Children's Service in Phoenix, and the Native American Family and Children's Service of Minneapolis. The remaining three case studies focused on recent and current developments in state-tribal relationships in child welfare-related service areas and issues. Studies were made of the Washington State Indian Desk, the Navajo experience with purchase-of-service contracting, and tribal involvement in Title XX planning in Arizona. All seven programs or agencies were chosen because they highlighted child welfare issues and possible alternatives as perceived by Indians. Face-to-face interviews, telephone interviews, and reviews of agency or program reports, documents, and other printed materials were undertaken for the case studies. When the program or agency included more than one party or group, efforts were made to contact the major proponents or representatives of all groups so that multiple points of view could be elicited wherever they existed.

Data Collection Instruments

Types of Instruments. Self-administered questionnaires were used as the data collection instrument for the mail survey.

Data for the field survey and household surveys were gathered by using formal interview guides which were administered in face-to-face interviews, with the interviewer filling in the forms. All of the forms included both open-ended and closed-ended questions. In conducting the field survey of agencies, interviewers were instructed to pose the questions in the sequence and wording which appeared on the interview guides.

The household survey utilized a nondirective, focused interview approach which required that the interviewer cover topics included on the form through informal discussion, using his own sequence of topics and his own wording. The purpose was to make the interview as relaxed and as little like a formal interrogation as possible in order to encourage free expression and exploration of respondents' views. Interviewers were trained to use the nondirective interviewing technique, including role playing. Most of the interviews were rich in detail and spontaneous explanatory comments. Nonetheless, a number of the interviewers found the nondirective technique difficult under the stress of actual interviewing and commented that they would have liked the support of preworded questions.

There was no formal data collection instrument for the case studies. Instead, there was an outline of topics (e.g., history of the program, purposes and funding, major activities, future plans, and special problems and issues) which was used to guide the review of project documents, the interviewing process, and the preparation of case study reports.

Categories of Forms. There were five categories of forms:

1. Mail questionnaires for use with state agencies, area offices, and other organizational headquarters
2. Interview guides for use with reservation local service providers
3. Interview guides for use with off-reservation local service providers
4. Interview guides for use with specialized child welfare-related agencies (e.g., police, day care and group care facilities, and legal services) in both reservation and off-reservation settings
5. Interview guides for use with Indian families in the household surveys

All of the forms asked for much of the same information, most of the questions on the different forms were the same in substance, and many were identical in wording. However, for each category of respondent there was usually the need for either specialized language or the addition or deletion of certain focused questions pertaining to specific spheres of activity and/or responsibility and authority.

Therefore, despite the general similarity of format and substance across forms, questionnaires and interview guides were developed for use with the different respondent groups. In all, nineteen forms were developed. These forms are listed in table A-5 along with their identifying numbers. Table A-6 shows the similarity of the informational yields of the various forms by listing the question numbers on each of the nineteen forms corresponding to the topics of information covered in the questionnaires and interview guides. From this listing it can be seen that the questionnaires and interview guides sought a broad range of data relating to agency policies and practices as well as agency spokesmen's and Indian individuals' perceptions of problems and desirable and/or needed changes in the Indian child welfare service system.

Data Analysis Procedures and Products

Data from the review of child welfare services (e.g., the mail survey, the field survey, the household surveys, and the program and agency case studies) were treated according to the following steps:

Quality Check of Completed Forms. In the first step, CSRD staff reviewed questionnaires and interview guides as they were returned. The review of the interview guides was undertaken as a team effort of a core research staff person and the field interviewers. Checks were made on whether forms were completed fully, whether there were ambiguities or inconsistencies in reporting, and whether additional data were promised or other documents or reports suggested. From this review, a list of any needed follow-up activities was compiled, and the actual followup was subsequently made by a core research staff person.

Quantitative Analysis. The information on the survey instruments was transformed into coded systems for quantitative analysis. Two-person research teams developed response categories for all open-ended questions which were then hand-tabulated. The majority of the forced-choice questions were computerized; these data were then analyzed using the Statistical Package for the Social Sciences computer program. Frequency

TABLE A-5

ROSTER OF QUESTIONNAIRES AND INTERVIEW GUIDES

Form of Category	Identifying Number	Form Name
Mail questionnaires	1A	State Department of Social Services
	1B	State Department of Institutions
	1C	BIA and IHS Area Offices
	1D	BIA Boarding Schools
	1E	Indian Child Welfare Agencies
	1F	National Indian Organizations and Intertribal Associations
	1G	Headquarters of Private Agencies
	1H	Tribal Councils
Interview guides for reservation service providers	2A	Local Agencies: County, Private, Tribe, BIA, IHS
	2B	Tribal Councils/HEW Committee
	2C	Tribal Courts
	2D	Tribal Police
Interview guides for off-reservation and nonreservation service providers	3A	Local Agencies: County, Private, Indian
	3B	Urban Schools
Interview guides for use with specialized child welfare-related agencies	4A	Day Care Centers and Group Care Facilities
	4B	State Courts
	4C	County or Local Police
	4D	Legal Services Organizations
Interview guides for use with Indian families	5A	Household Survey

TABLE A-6

MATRIX OF INFORMATIONAL FIELDS BY QUESTIONNAIRE AND INTERVIEW GUIDE

Information Obtained	Data to be Collected (Question Numbers by Instrument Relating to Information to be Obtained)																		
	1A	1B	1C	1D	1E	1F	1G	1H	2A	2B	2C	2D	3A	3B	3A	4A	4C	4D	5A
A. Overview of agency's (facility's, tribe's, or group's) general purpose, function, or program		1		1 3 4	1 2 4	1 2 3 4	1 2 3 5	1 2 3	1 2 3 7	1 2 3	1 thru 6		1 2 3 6	1 3	1 2 3	1	1 2	1 2	IA-D IIIA -D
B. Geographic service boundaries of agency				2	3		4		4 5				4	4	4		3	3	
C. General agency staffing				5 6	5	5			6			1 2 3	5	2	5				
D. Outreach or advocacy workers for Indians	1	2	1				6		8				7	5	6		4	4	
E. Indian staff	2	3	2	7	7		7		9				8		7	1	5	5	
F. Staff development and/or training re: Indian child welfare	3	4	3				8		10		8	5	9	6	8	3	6	6	
G. Avenues for Indian input into agency policies and practices	4 5	5 6	4 5	8 9	6 7		9 10		11 12		7	4	10 11	7 8	9 10	2	7 8	7 8	
H. Inventory of own agency's (facility's, tribe's, or group's) service provision for Indian children and families			6								9	6						10	
I. Caseload data with Indian/non-Indian comparison	6	7			8		11		11				12		11	4	9	9	
J. Agency's (facility's, tribe's, or group's) policies and/or procedures explicit to Indian child welfare	7 thru 20	8 9 10 11	7 thru 11	10 11 12	10	5 6	12 thru 20	4 thru 8	14 thru 23	4 thru 8	10 thru 15	7 8 9	13 thru 22	9 10	12 13	5 thru 9	10 11 12	11 thru 14	
K. Needs for various explicit policies and/or procedures	21		14		9	7	21	22	24	19			23						
L. Service issues related to off-reservation, reservation migration									25 26 27				24 25						II A thru E
M. Agency (facility, tribe, or group) interface with other agencies and Indian groups regarding Indian child welfare	22 thru 25	12 13 14 15	15 16 17 18	13	11 12 13 14	8 9 10 11	22 23 24 25	9 10 11 12	28 29 30 31	9 10 11 12	16	10	26 27 28 29	11	14	10	13	15	
N. Participation in specific Indian projects, studies, needs assessments	26	16	19	14	15	12	26	13	32	13	17	11	30	12	15	11	14	16	
O. Referral patterns				15					33		18 19 20	12 13	31		16	12 13	15 16	17 18	
P. Community-wide child welfare services for Indians								14 thru 18	34	14			32						VI A
Q. Barriers to delivery of child welfare services for Indians									35		17		33						IV E F
R. Availability of selected supportive services and perception of needs met								19 20 21	36 37 38	15 16 17			34 35 36						V A thru F
S. Changes in service availability and quality in past five years	27		20				27	23	39	19	21		37			14		19	
T. Service coverage for Indians versus non-Indians in area	28		21				28	25	40	20	22		38			15		20	
U. Major problems facing Indian families in child rearing	29		22				29	25	41	21	23		39			16		21	IVA b VIII A-I
V. Special factors in Indian family life and their child welfare service delivery implications	30		23		16		30	26	42	22	24		40			17		22	IV C D
W. Specific problems encountered in working with Indian families	31	17	24	16	19		31		43 44		25	14	41	13	17	18	17	23	
X. Special programs or approaches to be tried in Indian child welfare	32	18	25	17	18	13	32	27	45	23	26	15	42	14	18	19	18	24	VII A B

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distributions were run for each variable and cross-tabulations of responses were also run according to selected control variables (e.g., respondent group). These distributions were used to display the range and trends of responses. In a few instances chi square tests were run on comparable questions across respondent groups when a measure of cross-group differences was desired and warranted by the quality and quantity of the data available. However, in general, the lack of a random sample and the small numbers per respondent subgroup did not allow the use of tests of statistical significance.

Qualitative Analysis. Two types of narrative case studies were prepared. First, case studies were compiled for each of the nineteen field survey sites for internal use in guiding the quantitative analysis (e.g., for selection of control variables) and also to assist in interpretation of the quantitative findings. Secondly, an in-depth narrative was prepared for each of the seven agency or program case studies. These narratives appear in full in the final project report.

The nineteen site reports were written by the field interviewers for these sites. To assure uniformity, site reports followed detailed outlines which specified information to be included. Core research staff then reviewed the site reports, compared them to the survey instruments, and discussed any further questions with the field interviewers. Although only one of the field interviewers participated in writing the final report of field survey findings, the use of site reports and the contact between core staff and field interviewers are believed to have alleviated any problems which might have resulted.

Preparation of Findings in a Narrative Report. The narrative report of project findings was based on data obtained from the nationally oriented review of Indian child welfare services by means of the mail survey, the field survey at nineteen sites, the household surveys at two sites, and the seven case studies. The report also incorporated information from the literature review, from a previous project on legal and jurisdictional issues in the delivery of child welfare services on reservations, and a summary of the social work education survey. All three of these reports have been published separately.*

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*Ellen L. Slaughter, Indian Child Welfare: A Review of the Literature (Denver: Center for Social Research and Development, Denver Research Institute, University of Denver, January 1976); Center for Social Research and Development, Legal and

A draft of the prepared report was reviewed by an advisory group of Indian people knowledgeable about the provision of child welfare services and was discussed at a two-day meeting of this group with project staff.

The report is divided into eight chapters. Chapter 1 discusses the unique legal status of Indian tribes and the resulting barriers to the delivery of services, chapter 2 describes policies of major service-providing systems and reports the findings of the mail survey, and chapter 3 reports the field research results at nineteen sites and the household survey results at two sites. Chapter 4 discusses placements of Indian children in non-Indian homes and includes four case studies of agencies or projects involved in these placements. Chapter 5 presents three case studies of Indian involvement in the planning of child welfare services, and chapter 6 summarizes the social work education survey. Chapter 7 is an interpretive summary of the research findings, and chapter 8 discusses the policy implications of the research findings.

Problems with Availability of Data

During the course of the project, several problems arose in collecting certain types of data. One such problem was obtaining data on caseloads for specific child welfare services. The list of twelve services which project staff were requested to use did not always coincide with categories used by the service providers, which resulted in data not always being comparable from agency to agency.

Second, some agencies were unable to provide statistics on Indian caseloads since their data were not organized according to race. This occurred with both state and county social service providers as well as with private non-Indian agencies. For this reason, percentages of caseloads which were Indian were not presented in the report. Instead, verbal descriptions, such as "a few" or "most," were used.

Third, some courts and law enforcement agencies did not keep separate records for juveniles, and some did not keep records by race or by reservation residence. Again, categories of

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Jurisdictional Problems in the Delivery of SRS Child Welfare Services on Indian Reservations (Denver: Author, October 1975); and John Compton, *Social Work Education for American Indians* (Denver: Center for Social Research and Development, Denver Research Institute, University of Denver, forthcoming).

child welfare cases did not always coincide with their record systems. As was true of agency caseload data, verbal rather than numerical descriptions were used in the report.

Some respondents were unable to fill out the grid on the questionnaire which asked for percentages of specific child welfare services provided by different agencies at the site. Those who did respond tended to use rounded percentage estimates, and frequently different respondents at the same site gave different estimates. Therefore, the data were reported verbally, and estimates made by the major service providers were given more weight in cases where respondents gave different answers.

NOTES

Chapter 1

1. 30 U.S. (5 Pet.) 1 (1831).

2. 31 U.S. (6 Pet.) at 379 (1832); and 31 U.S. (6 Pet.) at 380.

3. 31 U.S. (6 Pet.) at 380.

4. U.S., Congress, Senate, *Senate Report No. 1080, Authorizing Indians to Form Business Councils, Corporations, and for Other Purposes*, 73d Cong., 2d Sess., 1934, p. 1.

5. Letter from Franklin D. Roosevelt, included in U.S., Congress, House, *Readjustment of Indian Affairs*, 73d Cong., 2d Sess., 1934, H. Rept. 1804, p. 8.

6. H.R. 7902, 73d Cong., 2d Sess., 78 *Cong. Record* 2437 (1934).

7. Richard M. Nixon, "Recommendations for Indian Policy." Message sent to Congress 8 July 1970, reprinted in *House Miscellaneous Documents*, Vol. 2, 91st Cong., 2d Sess., 1970, Document No. 91-363, pp. 3-4.

8. 411 U.S. 164, 172, 173 (1973).

9. 358 U.S. 217 (1959).

10. Arizona, Department of Economic Security, "Navajo Social Services." Application for Demonstration Project Grant submitted to the Department of Health, Education, and Welfare, Social and Rehabilitation Service, 1 August 1974 (Project Grant No. 11-P-45433/9-01), p. 9.

11. Center for Social Research and Development, *Legal and Jurisdictional Problems in the Delivery of Child Welfare Services on Indian Reservations* (Denver: Author, 1975).

12. Arizona, Attorney General to John Graham, Commissioner, Arizona Department of Public Welfare, 28 July 1970.

13. Ibid.

14. Ibid.

15. Ibid.

Chapter 1

16. Legal and Jurisdictional Problems, chapter 4.

17. 42 U.S.C. § 602 (a)(1).

18. 42 U.S.C. § 622 (a)(2).

19. 45 C.F.R. § 220.40(a)(1974).

20. 397 U.S. 471, 485 (1969).

21. 392 U.S. 309, 318-319 (1968).

22. 42 U.S.C. § 2000 (d).

23. 78 P.2d at 587 (Mont. # 1938).

24. A.R.S. § 46-232(A).

25. 272 P.2d at 98 (1954).

26. 415 U.S. 199 (1974).

27. U.S., Bureau of Indian Affairs, BIA Social Services Manual. Vol. VI, Community Services, Part VI, "Welfare," Chapter 3, "General Assistance and Social Services," Section 3.2.4A, mimeographed (Washington, D.C.: Author, 1974).

28. U.S., Bureau of Indian Affairs, "Operation of Indian Programs," in U.S., Congress, House, Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, Hearings, Department of the Interior and Related Agencies Appropriations for 1976, Part 3, 94th Cong., 1st Sess., 1975, p. 70.

29. U.S., Congress, House, Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, Hearings, Department of the Interior and Related Agencies Appropriations for 1964, 88th Cong., 1st Sess., 1963, p. 845.

30. U.S., Congress, House, Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, Hearings, Department of the Interior and Related Agencies Appropriations for 1970, Part 2, 91st Cong., 1st Sess., 6 March 1969, pp. 135-6.

Chapter 1

31. U.S., Congress, House, Committee on Appropriations, Subcommittee on the Department of the Interior and Related Agencies, Hearings, Department of the Interior and Related Agencies Appropriations for 1974, Part 4, 93d Cong., 1st Sess., 9 April 1973, p. 634.

32. Federal Register, vol. 40, no. 223, 18 November 1975, p. 53402.

1. BIA estimates of Indian population for the Arizona portion of the Navajo Nation are presented in Arizona, Department of Economic Security, "Navajo Social Services Project." Application submitted to the Department of Health, Education, and Welfare, Social and Rehabilitation Service, 22 July 1974, p. 1; BIA estimates for all other Arizona reservations are contained in U.S., Department of Commerce, Federal and State Indian Reservations and Indian Trust Areas (Washington, D.C.: GPO, n.d.), pp. 37-75; Phoenix estimates are from a personal communication with the Phoenix Indian Center, 14 May 1976; and 1970 census figures are from Subject Reports, "American Indians" (Washington, D.C.: GPO, June 1973).

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3. Alaska, Department of Health and Social Services, Adoption Policy and Procedural Manual, Section M, "Recruitment of Minority and Mixed-Race Families" (n.p.: n.d.).

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5. U.S., Department of Health, Education, and Welfare, Social and Rehabilitation Service, Assistance Payments Administration, State Letter no. 1080, "To State Agencies Administering Approved Public Assistance Plans," mimeographed (Washington, D.C.: Author, 25 March 1970).

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7. Ibid.

8. Ibid.

9. Ibid.

10. Ibid.

Chapter 2

11. Washington (State) Administrative Code 388-75-012, quoted in mail questionnaire response.

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13. Jessie A. Bloodworth, "Background of the Welfare Program in the Indian Service," Unpublished manuscript (Washington, D.C.: U.S. Bureau of Indian Affairs, Branch of Welfare, 1960), pp. 19-21, 24.

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17. Ibid., Vol. VI, Community Services, Part VI, "Welfare," Chapter 3, "General Assistance and Social Services," Section 3.2.5A.

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